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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 25818 of 2021

Date of Decision: 17.12.2021

M/s Bindra Developers Pvt. Ltd.

-Petitioner

Versus

The State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. Girdhar, Advocate,
for the petitioner.

(Through V.C.)

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing the respondents to make payment of balance amount of Rs.57,13,314/- qua the works done by the petitioner.

Petitioner is a government contractor and has executed various work assignments assigned to it by the respondents from time to time. The work of Providing and Laying C.C. Flooring in various streets of village Ladhu Wala Hithar, Sohna Sandar & Kera Wali, Block Jalalabad, District Fazilka was allocated to the petitioner on 13.05.2016. Petitioner has successfully completed the work assigned on 20.09.2017.

Respondents have already made the payment of five running

bills to the petitioner, but the balance payment has been retained including security. 7th and final bill have also been prepared certifying that the work has been completed as per PWD specifications, but payments have not been released so far. The work has also been shown in the measurement book of the concerned Junior Engineer. Even defect liability period has also expired.

Precisely for the claim in question, the petitioner has already approached the respondents by way of filing representation/legal notice before respondent No.6, but the claim of the petitioner has not been answered so far.

Notice of motion.

On the asking of the Court, Mr. Kanisth Ganeriwala, A.A.G., Punjab accepts notice on behalf of the respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This petition is disposed of with a direction to respondent No.6 to take an appropriate decision on pending representation/legal notice filed by the petitioner and decide the same in accordance with law preferably within a period of one month from the date of receipt of certified copy of this order.

If respondent No.6 ultimately comes to the conclusion that the petitioner is entitled for the amount in question, the same be paid forthwith within a further period of one month. In case, the amount in question is not paid within the aforesaid period of one month, thereafter, the petitioner shall be entitled to interest @ 6% per annum for the delayed payment thereafter till final realization of the amount.

17.12.2021

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No