

CWP-1278-2022

Date of Decision : 14.02.2022

Gurinder Pal Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

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

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Articles 226 / 227 of the Constitution of India is for the issuance of a writ in the nature of Mandamus directing the respondents to pay Rs.99,98,000/- along with interest @ 12% per annum for work done of construction of escape regular cum V.R. Bridge at Sirhind Canal RD 145700/R out falling at RD 5400 of Neelon Drain to supply 200 cusecs fresh water to Budha Naalah.

[3] Learned counsel contends that the petitioner completed the work allocated to him and was issued work done certificate Annexure P-2 dated 25.10.2021 but despite legal notice Annexure P-3 dated 18.12.2021 having been served on respondent No.4, no decision has been taken on the claim of the petitioner to release payment due to the petitioner as per his entitlement in terms of agreement between the parties. Learned counsel contends that in the circumstances, the petitioner would be satisfied if the writ petition is disposed of by directing respondent No.4 to consider and decide the claim made in the legal notice Annexure P-3 dated 18.12.2021

and to release payment due to the petitioner as per his entitlement.

[4] Notice of motion to respondent No.4 only.

[5] Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of respondent No.4 and after perusal of the writ petition states that he has no objection to the limited prayer of learned counsel for the petitioner.

[6] In view of the nature of order proposed to be passed, there is no necessity of calling upon respondent No.4 to file reply.

[7] Accordingly, in the light of position noted above but without commenting upon the merits of the case, the writ petition is disposed of by directing respondent No.4 to consider and decide the claim made in legal notice, Annexure P-3 dated 18.12.2021 within a period of six weeks from the date of receipt of certified copy of the order after taking into account all aspects of the matter. In case respondent No.4 comes to the conclusion that the petitioner is entitled to release of the money claimed or any part thereof, and there is no legal impediment in the release of the same, then the same be released within one month thereafter.

[8] Writ petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

14.02.2022
ps

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