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

CWP No. 1879 of 2022
Date of Decision: 03.02.2022

M/s M.G. Contractor Pvt. Ltd.

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that despite acknowledging the dues of the petitioner vide memo no.3226 dated 06.09.2021, needful has not been done so far.

Petitioner seeks issuance of necessary directions in the nature of mandamus directing the respondents to release the admitted payment of Rs.35,53,298/- along with interest for the work done by the petitioner.

Petitioner completed the work assignment of construction of four lane road with service roads on both sides i.e. Amritsar-Ajnala Road Section Kichlu Chowk to Meerankot

(RD 100 to 4150), District Amritsar including maintenance of 05 years. Despite elapse of one year, the payment has not been made to the petitioner. After completion of work, petitioner even invoked arbitration clause. Arbitration proceedings are in respect of original work executed by the petitioner.

Present grievance is in respect of bills towards maintenance and the same are admitted bills.

Precisely in this context, the petitioner has already got issued legal notice dated 16.12.2021.

Learned counsel for the petitioner submits that the petitioner would be satisfied in case legal notice dated 16.12.2021 is directed to be decided by respondent No.5 in accordance with law in consultation with other respondents.

Notice of motion.

On the asking of the Court, Mr. T.P.S. Chawla, D.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.5 to take an appropriate decision on pending legal notice filed by the petitioner and decide the same in

accordance with law preferably within a period of two months from the date of receipt of certified copy of this order.

If respondent No.5 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.

03.02.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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