

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

236

CWP-4372-2020

Date of decision: 29.11.2022

SNEH TULI

.....Petitioner

VERSUS

UNION TERRITORY AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

Mr. Maheshinder Singh Sidhu, Advocate
for respondents No.1 to 3-U.T. Chandigarh.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed under Article 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Mandamus directing the respondents to make payment of Rs. 1,42,996/- including security qua the work of construction of 2 No. Basket Ball Courts in Govt. College for Girls, Sector-42, Chandigarh alongwith interest @ 12% p.a.

Learned counsel appearing on behalf of the petitioner contends that Balbir Singh, husband of the petitioner was proprietor of M/s Balbir Singh, Contractor and had executed various works assigned to him from time to time including the work referred to above. He contends that the said work was completed by the proprietorship on 20.08.2014 and even though the running payment was released, the payment for the fourth and final bill had not been released. Sh. Balbir Singh proprietor of M/s Balbir Singh was expired on 27.05.2018 and

thereafter the widow i.e. petitioner herein made various representations to the authorities for release of the said payment and also submitted a Legal Notice.

Reply of the Executive Engineer, C.P. Division No.1, Sector-9, U.T. Chandigarh has been filed today in Court. A copy thereof has been handed over to the learned counsel for the petitioner.

A perusal of the above shows that the respondents acknowledge the aforesaid amount to be due. However, it is contended by them that the succession certificate/certificate of being legal heirs of M/s Balbir Singh Contractor is required to be submitted and upon the petitioner furnishing the same, the amount alongwith the security shall be released to the petitioner.

Learned counsel appearing on behalf of the petitioner contends that the aforesaid stand shows acknowledgement of the liability and that the petitioner shall approach the concerned authorities and furnish requisite document and proof showing that the petitioner is the only legal representative of deceased-Balbir Singh. He further contends that in the event of the petitioner furnishing the requisite documents to the satisfaction of the Executive Engineer, he be directed to release the payment.

Since the aforesaid stand is duly reflected in the written statement filed on behalf respondents No.1 to 3, the present petition is disposed of with liberty to the petitioner to appear before Executive Engineer and to furnish the requisite documents as desired. Needless to mention that upon submission of such documents, the respondents authorities shall forthwith release the payment due to the petitioner in a time bound manner and preferably within a period of 08 weeks of

furnishing the requisite documents, failing which interest @ 6% per annum shall be payable from the date of filing of the present petition till its actual disbursement.

Petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 29, 2022

Vishal sharma

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