

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-4560-2020

Date of Decision:27.09.2022

M/s PCG Contractors and Builders

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Tajinder Pal Singh Makkar, Advocate,
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to release the payment along with interest to the petitioner for the work executed by him.

Learned counsel appearing on behalf of the petitioner contends that the work of channelization and concrete side lining of Sirhind Choe from RD 539000 ft. to 544500 ft. was allotted to the petitioner vide work order No.11 dated 05.02.2018. He submits that the said work had been duly completed by the petitioner within the time span and there is no complaint regarding the execution of the work or the workmanship. It is submitted that despite due execution of the work to the entire satisfaction of the officials,

the due payment has not been released. Resultantly, the present civil writ petition has been filed when even the representation dated 06.01.2020 (Annexure P-3) failed to move the authorities.

Learned counsel appearing on behalf of the petitioner contends that during the pendency of the instant civil writ petition, a substantial amount of the payment has already been released to the petitioner and there is minor amount/security fund etc. that remained to be disbursed. It is contended by learned counsel appearing on behalf of the petitioner that he would be satisfied at this stage, in case, respondent No.3-Executive Engineer, Patiala Drainage Division Patiala, Bara Khua, Nabha Road, Patiala be directed to look into the representation dated 06.01.2020 (Annexure P-3) and to pass a reasoned and speaking order in a time bound manner after affording an opportunity of hearing to the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab appears and accepts notice on behalf of the respondents-State. He does not oppose the aforesaid prayer.

Accordingly, with the consent of the parties and without commenting on the merits of the case, the present writ petition is disposed of with a direction to respondent No.3-Executive Engineer, Patiala Drainage Division Patiala, Bara Khua, Nabha Road, Patiala to take into consideration the representation dated 06.01.2022 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order within a period of three months from the date of receipt of a certified copy of this order after granting an opportunity of hearing to the concerned parties.

Needless to mention that in case any amount is found payable

and due to the petitioner upon consideration of the said submissions, the payment so found due shall be released within a period of next three months.

The instant civil writ petition is disposed of accordingly.

September 27, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No