

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

228

**CWP-5379-2021 (O&M)
Date of Decision: 18.11.2022**

M/S RAJAN BUILDERS

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. Girdhar, Advocate and
 Mr. Chirag Girdhar, Advocate for the petitioner.
 Mr. Sanjay Sabharwal, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to make payment of Rs.45,56,180/- qua the works executed by the petitioner, alongwith interest at the rate of 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. During the year 2006, certain works of providing Small Bore Sewerage System, House Connection and Sewerage Treatment Works on EPC basis in various villages of District Fatehgarh Sahib were allotted to the petitioner. The petitioner duly executed and completed the said work in the year 2015 and the final bills of the aforesaid works have also been passed on 20.12.2018, however, the payment thereof has not been made till date. The details of the works executed by the petitioner are given in tabulated form in paragraph No.3 of the petition.

It is further submitted that there is no dispute with regard to the works executed by the petitioner and with regard to the payment due to him. The petitioner approached the respondents on a number of occasions for seeking the release of his due amount, but all in vain. The petitioner served a number of representations followed by a legal notice dated 05.02.2021 (Annexure P-5) served upon respondents No.1 & 4, but the due payment has not been released till date.

Notice of motion in the present case had been issued on 08.03.2021.

Last opportunity was granted to the State to file reply on or before 21.12.2021 and it was made clear that in case the reply is not filed on the given date, then the case shall be decided on its own merits. The case, thereafter, is being taken up today i.e. after lapse of nearly 11 months of the passing of the said order. The learned State counsel, however, prays for yet another opportunity for filing reply. The same cannot be granted in view of the order dated 21.12.2021.

Learned counsel for the petitioner contends that the payment in question relates to the works executed by the petitioner in the year 2015, for which final bill was passed in the year 2018 and the matter has remained pending despite the respondents acknowledging their liability. Learned counsel for the petitioner, however contends that he would be satisfied at this juncture in case the respondents are directed to decide the legal notice dated 05.02.2021 (Annexure P-5) expeditiously and in a time bound manner.

The aforesaid prayer made by the learned counsel for the petitioner is not objected to by the learned State Counsel.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition stands disposed of with a direction to respondent No.5 to consider and decide the legal notice dated 05.02.2021 (Annexure P-5) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months, failing which the amount so found due shall carry interest at the rate of 6% per annum from the date of filing of the petition till actual disbursement of the due amount.

18.11.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

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