

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

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**CWP-15472-2021 (O&M).
Date of Decision: 23.09.2022.**

Ramesh Kumar Contractor

... Petitioner

Versus

The State of Punjab and others

... Respondents

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

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

Mr. Karanjit Singh, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of Rs.5,68,670/- qua the work of providing Small Bore Sized Sewerage System and Construction of Sewerage Treatment at village Karial, Block Andana, Slempur, Bhojowall and Rani Ke, Block Dhuri and Kaloudi, Block and District Sangrur.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted the aforesaid work vide allotment Letter No.7456 dated 20.07.2006 for Rs.407.00 lacs. He further contends that the work in question was immediately commenced and executed within the stipulated period to the complete satisfaction of the respondent Authorities. He contends that even though initially a penalty was levied, however, upon the petitioner giving reasons, a decision was passed on 02.11.2020 whereby

the respondents waived off penalty and respondent No.5 was directed to refund the penalty (withheld amount) and aforesaid withheld amount was of Rs.10,17,500/- but only a sum of Rs.4,48,830/- has been released in favour of the petitioner and remaining amount of Rs.5,68,670/- was not released and moreover the requests of the petitioner are not being answered or considered.

He further contends that various representations were sent by the petitioner for release of the withheld amount including serving of a legal notice dated 24.02.2021 (Annexure P-4). He submits that having no respite, the petitioner approached this Hon'ble Court by filing CWP No.7400 of 2021 which was disposed of vide order dated 01.04.2021, directing the respondent No.2 (therein) to decide the legal notice dated 24.02.2021 (Annexure P-4 therein), in a time bound manner within a period of three months. Thereafter, respondent No.5, passed the speaking order dated 23.04.2021 (Annexure P-5) in compliance of the order passed by this Court and admitted that an amount of Rs.5,68,670/- is payable to the petitioner, however, the said amount shall be released as and when the funds are made available from the State of Punjab.

Learned counsel appearing on behalf of the petitioner submits that despite acknowledging the liability pursuant to the order passed by this Court dated 01.04.2021, the admitted amount has not been released, even though a period of about 1½ years has elapsed since the date of passing of the order. He submits that legal notice dated 19.07.2021 (Annexure P-6) was also sent but the respondent Authorities have shown scant regard to the same as well. Thus, the present writ petition has been filed.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied in case the respondent Authorities are directed to take appropriate decision on the legal notice in terms of order dated 23.04.2021 (Annexure P-5) passed by the respondent No.5 and not to withhold the disbursement of the amount on untenable reasons.

Learned counsel appearing on behalf of the State has no objection to the present petition being disposed of with directions to the respondent Authorities to pass a speaking order on the legal notice dated 19.07.2021 (Annexure P-6).

Accordingly, with the consent of the parties, the present petition is disposed of and the respondent No.5, is directed to take a decision on legal notice dated 19.07.2021 (Annexure P-6) filed by the petitioner and to pass a speaking order thereupon in accordance with law and preferably within a period of one month from the date of receipt of certified copy of this order and to release the amount due in favour of the petitioner within a period of one month thereafter.

Needless to mention that in the event the amount due is not released within the period as aforesaid, the same shall attract interest at the rate of 6% per annum from the date of passing of this order till the date of actual payment.

Petition stands disposed of accordingly.

23.09.2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No