

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

118(3)

CWP-15316-2022(O&M)

Date of Decision:17.10.2022

M/s Rajputana Constructions Private Limited

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. L.M. Gulati, Advocate,
for the petitioner.**

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

VINOD S. BHARDWAJ , J.(Oral)

CM-10274-CWP-2022

Application is allowed, as prayed for.

CWP-15316-2022

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India, 1950 is for issuance of a writ in the nature of mandamus directing the respondents to release the due amount qua the works executed by the petitioner.

Briefly, the facts of the present petition are that the petitioner is a registered company in the name of M/s Rajputana Constructions (P) Ltd. The respondent No.2-Directorate of Cultural Affairs, Archeology and Museum, Punjab Archives Bhawan, Sector 38-A, Chandigarh invited tenders for procurement of certain works and petitioner's bid was accepted

and the petitioner was allotted works as per terms & conditions mentioned in the letter dated 18.06.2015. The petitioner started the work and completed the same within the prescribed period i.e. 12 months from the date of issuance of allotment letter to the satisfaction of the respondents. The petitioner has submitted two bills out of which sales tax @ 6% was deducted which comes to for a total sum of ₹2,68,394/-. Although the said amount has been deducted from the bills of the petitioner but neither the challan of said amount has been deposited by the respondents with the Sales Tax Department nor Form No.28 has been issued in favour of the petitioner.

Thereafter, the petitioner has been making oral as well as written request to the respondents for releasing the balance outstanding payment but to no effect even though the works have been successfully completed according to the specification and without default by the petitioner.

Learned counsel appearing on behalf of the petitioner contends that at this stage he would be satisfied, in case, the present petition be treated as his representation and respondent no.2 is directed to decide the same by passing a speaking order in accordance with law.

Notice of motion.

Ms. Niharika Sharma, A.A.G., Punjab, who is present in Court and would be deemed to be on the panel of all statutory Boards and Corporations of the State of Punjab by virtue of her appointment is requested to accept notice on behalf of respondent No.1-State.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of respondent No.2. They have no objection to the above prayer being allowed.

Accordingly, without commenting on the merits of the case and with the consent of the parties, the present civil writ petition is disposed of with a direction to respondent No.2-Directorate of Cultural Affairs, Archeology and Museum, Punjab Archives Bhawan, Sector 38-A, Chandigarh to treat the present writ petition as a representation and to pass a speaking and reasoned order in accordance with law, preferably 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 respective parties.

If the entitlement of the petitioner is established upon consideration of the claim and verification of the record, then the payment be released to him within a further period of three months thereafter.

Petition is disposed of.

October 17, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No