

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

118(4)

CWP-15649-2022(O&M)

Date of Decision:17.10.2022

M/s Rajputana Constructions Private Limited

.....Petitioner

Versus

State of Punjab and others

.....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-10543-CWP-2022

Application is allowed, as prayed for.

CWP-15649-2022

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 work executed by the petitioner for “Imperisal Highway Heritage Conservation and Visitor Facility Development at Eastern Circuit-Remaining Conservation work of Aam Khas Bagh and Last Mile Connectivity”.

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-Punjab Heritage and Tourism Promotion Board invited tenders for procurement of the aforesaid work and petitioner's bid was accepted. A contract agreement was executed between the parties and the agreement prescribed the date of work as 28.12.2018 and date of completion of the work as 27.06.2020. It has been further averred that the petitioner wrote a letter dated 20.12.2018 to the Project Manager, PIU, Ropar to take the charge of the site. Thereafter, the petitioner wrote a letter to the Project Manager for issuance of required restoration drawings along with its locations so as to start the work.

The assigned work was however duly completed by the petitioner and the information was sent to the Project Manager vide letter dated 30.04.2021. The petitioner submitted final bill to the Project Manager. Thereafter, the petitioner has requested the respondent 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.3 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 Nos.2 and 3. 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.3-The Project Manager, Infrastructure Development Investment Programme for Tourism, Amritsar 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