

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

129

CWP-17862-2022
Date of Decision: 17.08.2022

M/S PACIFIC ENGINEERS AND BUILDERS

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

Ms. Sunint Kaur, Asstt. 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 qua the work of construction of D.L.E.T. Building at Village Cheema Jodhpur, District Barnala alongwith interest.

The petitioner claims to be Government Contractor having assigned the work of aforesaid construction vide EE No.189 dated 29.04.2020 (Annexure P-1). Learned counsel for the petitioner contends that the aforesaid work order stands successfully executed in the month of December 2021 and the building has been handed over to the concerned authorities on 22.04.2022, however, the payment against the execution of the said work has not been released, even though the final bill submitted by

the petitioner already stands approved by the competent authority. He further contends that in this regard, a representation has been sent by the petitioner on 04.05.2022 (Annexure P-3) and that despite a lapse of more than three months since the submission of the representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He contends that he would be satisfied in case the respondent authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Sunint Kaur, Asstt. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondents and she has no objection to the present petition being disposed of with directions to the respondents to pass speaking order on the representation (Annexure P-3) filed the petitioner.

Accordingly, with the consent of the parties, the present petition is disposed of and the respondent No.5- Executive Engineer, Construction Division, PWD B&R Branch, Barnala is directed to take note of the representation dated 04.05.2022 (Annexure P-3) filed by the petitioner and to pass a speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months. Failure to release the said undisputed payment within the

aforesaid stipulated time frame, once found due, shall attract interest at the rate of 6% per annum till the date of actual realization.

Petition stands disposed of accordingly.

17.08.2022
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(VINOD S. BHARDWAJ)
JUDGE

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