

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

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CWP-18333-2022.
Date of Decision: 22.08.2022.

M/s V.S. Saini, Government 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. Saurav Verma, 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.3,31,14,057/- qua the work of upgradation of Dina Nagar Galri Road Km 0.86 to 12.76 km in Distt. Gurdaspur (under NABARD XXIV Scheme) executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the work of aforesaid construction vide EE No.1498 dated 23.08.2018 (Annexure P-1). Learned counsel for the petitioner contends that the aforesaid work orders stand successfully executed, however, the payment against the execution of the said work has not been released, even though the final bills submitted by the petitioner already stands approved by the competent authority. He further contends that in this regard, a letter

dated 09.03.2022 has been sent by the petitioner vide Annexure P-4 and that despite a lapse of nearly six months since the date of letter 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, Mr. Saurav Verma, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondents and he has no objection to the present petition being disposed of with directions to the respondents to pass speaking order on the letter dated 09.03.2022 (Annexure P-4) sent by 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, Pathankot, is directed to take note of the letter dated 09.03.2022 (Annexure P-4) 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.

22.08.2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No