

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

123

CWP-19707-2022

Date of decision: 02.09.2022

M/S GURBACHAN SINGH CONTRACTOR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Rajesh Kumar Girdhar, Advocate
for the petitioners.

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.9,37,47,759/- qua the work of Periodical Repair of Bathinda-GHUDDA-BADAL-Kheowali Road RD 1.87 to 27.30 KM (Up-gradation) (5054 RB-10 Roads) executed by the petitioner alongwith interest @ 12 per annum.

The petitioner claims to be Government Contractor having been assigned the work of aforesaid construction vide Letter No.3768 dated 03.12.2021 (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 representation dated 30.05.2022 has been sent by the petitioner vide Annexure P-3 and that despite a lapse of nearly three 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 representation dated 30.05.2022 (Annexure P-3) sent by the petitioner.

Accordingly, with the consent of the parties, the present petition is disposed of and the respondent No.6- Executive Engineer, Construction Division No.2, PWD (B&R) Branch, Bathinda, is directed to take note of the representation dated 30.05.2022 (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.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 02, 2022

Vishal sharma

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