

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

141

**CWP-21294-2022
Date of Decision: 16.09.2022**

M/S SHIVA BUILDERS

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

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

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of Rs.8,51,261/- including security qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner is a Government Contractor and he has executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. He further contends that during the year 2014-15, certain works were allotted to the petitioner, which have been duly completed and payment of execution of road works has also been released to the petitioner but the payment of maintenance bill and security of these works has not been released till date. The details of the works and the balance amount/security payable to the petitioner are mentioned hereinafter below:

Sr. No.	Details of works	Amount payable.
1.	New Construction of Link Road from Mansa Kalan to Talwandi Sabo Road compaction of earth work to premix carpet including tack coat with cost of bitumen including maintenance of roads for five years. Allotment letter No.2830 dated 31.10.2014.	3 rd year maintenance bill for the period 01.06.2017 to 31.05.2018. Rs.1,64,682/-
2.	New Construction of various Link Roads in MC Maur (Group-2) Length 11.83 km. (1) Kuttiwal Khurd to Dikh (2) Dikh to Bhaini Chuhar (3) Sooch to Bhaini Chuhar. Allotment Letter No.1221 dated 18.12.2015 Hand receipt of payment of security has been passed on 03.09.2019	Security Rs.6,86,577/-
	Grand Total	Rs.8,51,261/-

Learned counsel for the petitioner further contends that the petitioner has approached the respondents on a number of occasions for the balance payment including security of the above mentioned work, however, the respondents neither paid any heed towards the requests of the petitioner nor did they pay the balance amount to the petitioner. Counsel further submits that the petitioner has served a number of representations to the respondents raising demand for the payment of his dues including one recently served legal notice dated 01.08.2022 (Annexure P-4) which has been served upon respondent No.5, however, no action has been taken thereupon till date.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondents and seeks time to complete instructions.

However, learned counsel for the petitioner submits that the petitioner would be satisfied at this juncture if the respondent No.5 is directed to consider the legal notice dated 01.08.2022 (Annexure P-4) served upon by the petitioner and to pass a reasoned and speaking order within a time bound manner.

Learned State Counsel did not oppose the innocuous prayer made by the learned counsel for the petitioner.

In view of the above and with the consent of the parties, the present petition is disposed of with a direction to the respondent No.5 to consider the legal notice dated 01.08.2022 (Annexure P-4) and decide the same by passing a reasoned and speaking order thereupon after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in case, upon considering the claim of the petitioner, any payment is found due to the petitioner, the same shall be disbursed to him within a further period of three months, failing which the amount so found due will carry interest at the rate of 6% per annum from the date of filing of the present petition till actual realization.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

16.09.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No