

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

117

CWP-22076-2022

Date of decision: 23.09.2022

M/S KOHALI BUILDERS

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Jagdeep Singh Rana, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of Mandamus directing the respondents to release the pending passed/ audited payment of work done by the petitioner alongwith the security amount and interest.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted the work by the respondents on 30.12.2019, the same was to be completed within a period of 13 months from the date of issuance of the work order. The stipulated date for completion of the work was 29.03.2021. The petitioner duly executed the work within the aforesaid time schedule to the complete satisfaction of the employer. The final bill regarding intimation of completion of the work was also submitted alongwith the Completion

Certificate. He contends that the said bill has been duly audited and an amount of Rs. 25,31,426/- alongwith security amount of Rs. 98,651/- is due to be released to the petitioner since 20.03.2021. It is contended that despite repeated efforts made by the petitioner, the said payment was not released. Consequently, the petitioner was constrained to serve a legal notice dated 25.06.2022 to the respondents. He submits that at this juncture in case the respondent-authorities are directed to decide the aforesaid legal notice dated 25.06.2022 (Annexure P-6) in a time bound manner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents. He has no objection to the prayer being allowed as aforesaid.

Accordingly, the present petition is disposed of without commenting anything on merits and with the consent of the parties by directing respondent No.2 i.e. the Superintending Engineer, Punjab Water Supply and Sanitation Circle, Sri Muktsar Sahib to pass a reasoned and speaking order on the Legal Notice dated 25.06.2022 (Annexure P-6) appended along with instant petition within a period of 03 months of receipt of certified copy of this order.

Needless to mention that in the event any amount is found payable to the petitioner upon determination of the aforesaid legal notice/representation by the aforesaid authority the same shall be released forthwith preferably within a period of 03 months of the passing of the order. In the event the same is not released as aforesaid, the petitioner shall be entitled to interest @ 6% per annum from the

date of passing of this order.

The petition is according disposed of.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 23, 2022

Vishal sharma

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