

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

129

**CWP-22450-2022
Date of decision: 28.09.2022**

M/S VIKAS GAMBHIR CONTRACTOR

.....Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.....Respondents

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

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

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 and 2.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 1,41,50,982/- including security qua the works executed by the petitioner alongwith interest @ 12% P.A.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted various works during the years 2020 to 2022 and the same have also been completed. However, the balance payment alongwith the security qua works satisfactorily executed has not been

released. The details of the payment which the petitioner claims to be outstanding are tabulated as under:-

Sr. No.	Details of the works	Amount Payable
1.	Const. of CC Street Near Ashoka General Store in Bhargo Camp Ward NO.36 Work Order No. CE/W/29 dated 24.05.2021	Security Rs.2,09,396/-
2.	Const. of CC Street of Shastri Nagar and Adj. area of Park in Shastri Nagar Ward No.45 Work Order No. CE/W/114 dated 06.03.2022	Withheld amount Rs.92,800/- Security Rs.92,800/-
3.	Annual Maint. of Streets Drains and Park in Ward No.25 Work Order No. CE/Cantt/79 dated 06.01.2021	Security Rs.88,650/-
4.	P/L of Cement conc. in Malka Chowk and Mombatiyan Wali Gali in Ward No.52 Work Order No. G33/CE/B&R/35 dated 24.05.2021	Security Rs.84,659/-
5.	Const. of CC in the Street of Manian Wali Gali and Chati Wali Gali Mohindru Mohalla Ward No.52 Work Order No.G33/CE/B&R/37 dated 24.05.2021	Security Rs.3,47,160/-
6.	Const. of Streets of Khurla Kingra with Interlocking Tiles in Ward No.30 Work Order No.CE/Cantt/21 dated 10.09.2020	Withheld amount Rs.56,190/- Security Rs.60,380/-
7.	Const. of Street with Interlocking Tiles in Garden Colony Ward No.31 Work Order No.CE/Cantt/15 dated 10.09.2020	Withheld amount Rs.54,820/- Security

		Rs.63,746/-
8.	P/L of 60 mm thick Interlocking Tiles in Rasila Nagar Ward No.74 Work Order No. CE/W/79 dated 10.09.2020	Withheld amount Rs.2,31,100/- Security Rs.2,31,100/-
9.	Const. of Road of village Mithapur in Interlocking Tiles and Lally Property Work Order No. CE/Cantt/23 dated 10.09.2020	Withheld amount Rs.99,200/- Security Rs.99,200/-
10.	Const. of various CC streets of New Madhuban Colony Jag Wali Kothi Work Order No.CE/W/115 dated 06.03.2020	Withheld amount Rs.35,686/- Security Rs.35,686/-
11.	Const. of Interlocking Tiles at New Dashmesh Nagar Ward No.41 Work Order No.CE/W/62 dated 10.09.2020	Withheld amount Rs.69,881/- Security Rs.69,881/-
12.	Const. of CC Street Mithu Basti Near Guru Nanak Nagar Ward No.47 Work Order No.SE/W/111 dated 06.03.2020	Withheld amount Rs.1,95,918/- Security Rs.1,95,918/-
13.	Const. of Various Street of Guru Nanak Nagar WARD No.78 Work Order No.CE/W/29 dated 10.06.2020	Withheld amount Rs.5,14,460/- Security Rs.5,14,460/-
14.	Const. of Street in New Gobind Nagar Ward No.73 Work Order No.CE/W/63 dated 10.09.2020	Withheld amount Rs.72,000/- Security Rs.72,000/-

		Earnest Money Rs.18,500/-
15.	Const. of Road in Garha towards entrance of Cantt in Cement Concrete Ward No.22 Work Order No.CE/Cantt/17 dated 10.09.2020	Withheld amount Rs.1,88,570/- Security Rs.2,19,268/-
16.	P/F Interlocking tiles in Sehdev Market Ward No.20	Due payment Rs.9,79,160/-
17.	P/F children Game and Bench North Constituency	3 rd Running Bill Rs.1,62,064/- 4 th & Final Bill Rs.3,59,917/- Security Rs.2,85,170/- Earnest Money Rs.60,000/-
18.	Repair and Renovation of Mayor Camp Office.	Due payment Rs.1,77,009/- Security Rs.1,10,080/- Earnest Money Rs.22,000/-
19.	Annual Maintenance of Street and Park Ward No.66	Security Rs.86,870/-
20.	Const. of CC Street near Dolphin Hotel and Mission Compound Ward No.68 Work Order No .CE/N/149 dated 12.04.2021	Security Rs.2,80,740/-
21.	P/L of cement concrete Chowk Sudan and Charanjit Pura	Security Rs.85,595/-

22	P/L of 80 mm thick Interlocking Tiles of Baba Kishori Mandir along Ganda Nala Ward No.76 Work Order No. CE/W/55 dated 10.09.2020	Withheld amount Rs.2,93,540/- Security Rs.2,93,540/-
23.	Const. of Street in Drona Garden Work Order No. CE/W/112 dated 06.03.2020	Withheld amount Rs.1,53,480/- Security Rs.1,53,480/-
24.	Const. of CC Street in Anoop Nagar B/Side Apeejay Ground Ward No.43 Work Order No. CE/W/116 dated 06.03.2020	Withheld amount Rs.56,142/- Security Rs.28,071/-
25.	Const. of CC Street near Sailani Mata Mandir Lamba Pind near Raj Gas Service and New Hardyal Nagar Ward No.06 Work Order No. CE/G-33/N/34 dated 13.10.2020	Withheld amount Rs.5,70,920/- Security Rs.5,70,920/-
26.	Const. of CC Flooring in Street in Baldev Nagar Dhankia Mohalla near Baldev Nagar and Ajit Nagar Ward no.57 Work Order No. CE/G-33/N/33 dated 13.10.2020	Withheld amount Rs.3,10,722/- Security Rs.5,38,240/-
27.	P/F 80 mm thick interlocking tiles at Sant Vihar Ward No.01 Work Order No. CE/G-33/N/01 dated 17.08.2020	Withheld amount Rs.2,31,110/- Security Rs.2,31,110/-
28.	P/F Interlocking tiles in Sehdev Market W.no.20 Work Order No. G-33/CE/B&R/136 dated 23.11.2021	Due payment Rs.3,12,905/- Security Rs.2,18,220/- Earnest Money Rs.58,380/-

29.	P/L RMC in Street of Satnam Nagar Work Order No.G-33/CE/B&R/240 dated 07.01.2022	Due payment Rs.5,68,558/- Security Rs.3,80,000/- Earnest Money Rs.1,02,040/-
30.	Const. of Road of Sadak Mohalla Main Bazar Cantt Road Garha in Interlocking Tiles Ward No.22	Due payment Rs.1,00,155/- Security Rs.1,07,755/- Earnest Money Rs.34,000/-
31.	Const. of CC Streets in Bikrampur Ward no.53 Work Order No.CE/N/347 dated 24.11.2021	Security Rs.1,05,830/-
32.	P/L Cement concrete in various streets of Kabran Mohalla and Abadpura	Withheld amount Rs.19,990/- Security Rs.19,990/- Earnest Money Rs.4520/-
33.	P/L of concrete in the streets of Makhdoompura Ward no.20	Withheld amount Rs.14,600/- Security Rs.14,600/- Earnest Money Rs.3,480/-
34.	P/L of RMC on the streets of Thakur Singh Colony Ward No.18 Work Order No. G-33/CE/B&R/172 dated 08.08.2021	Security Rs.4,95,600/-
35.	Const. of Streets and Park in Interlocking	Security

	Tiles Near Sabowal Work Order No. CE/Cantt/22 dated 10.09.2020	Rs.1,40,170/- Earnest Money Rs.30,760/-
36.	Const. of CC Streets at Krishana Nagar Ward No.19 Work Order No. G-33/CE/B&R/75 dated 11.08.2021	Security Rs.2,36,050/-
37.	Const. of CC Street Guru Nanak Nagar W.No.78	Security Rs.11,30,070/-
	Grand Total	Rs.1,41,50,982/-

It is contended that the bills with respect to the aforesaid work have already been sent to the respondent and several representations have been made by the petitioner including the legal notice last submitted on 09.08.2022 to the respondent No.3- Municipal Corporation, Jalandhar through its Commissioner.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3- Municipal Corporation, Jalandhar through its Commissioner is directed to look into the legal notice and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Saurav Verma, Addl. A.G. Punjab, by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondent No.3.

Learned counsel appearing on behalf of respondent No.3 has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.3-Municipal Corporation, Jalandhar through its Commissioner to examine the grievance espoused by the petitioner in the legal notice (Annexure P-3) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 28, 2022

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No