

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

138

**CWP-23003-2022 (O&M).
Date of Decision: 30.09.2022.**

M/s Gaanesh Kartikey Constructions Pvt. Ltd.

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Mandeep Singh, Advocate, for
Mr. Hardik Ahluwalia, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to release the payment of Rs.3,54,72,876/- with interest @ 24% per annum for the works executed by the petitioner - Company.

The petitioner claims to be a Company registered under the Companies Act, 2013 having been allotted the work of upgradation of Link Road Amritsar – Ajnala Road (Kukranawala) to Chogwan – Ajnala via Bhullar Block Harsha China under PMGSY-III vide allotment letter dated 20.08.2021 (Annexure P-1) which stands successfully executed, however, the payment against the execution of the aforesaid has not been released, even though the final bills submitted by the petitioner already stand

approved by the competent authority. He further contends that in this regard, a legal notice dated 24.08.2022 (Annexure P-4) has been sent by the petitioner and that despite lapse of more than one month since the date of legal notice 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 legal notice dated 24.08.2022 (Annexure P-4) 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.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondent No.1 – State and Mr. Saurav Verma, Addl. A.G., Punjab, who 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 Nos.2 to 4, and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.2 - the Chief Engineer, PMGSY, Punjab Mandi Board, S.A.S. Nagar, Mohali, is directed to take note of the legal notice dated 24.08.2022 (Annexure P-4) and the grievance espoused by the petitioner therein and to pass a reasoned and 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.

September 30, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No