

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

141

CWP-23412-2022

Date of Decision: 12.10.2022

M/S PANNU CONSTRUCTION COMPANY

... 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 amount of Rs.16,58,480/- including security qua the works of augmentation of various water supply schemes in District Gurdaspur executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. During the year 2019, certain works were allotted to the petitioner vide different allotment letters. The petitioner has completed all these works but the balance payment and security of these works has not been released till

date. The details of the works executed by the petitioner has been tabulated in paragraph No.2 of the petition. The petitioner has executed the said works within stipulated time period i.e. during the year 2021. Even the defect liability period of one year has also been elapsed, but the aforementioned outstanding amount has not been released in favour of the petitioner. He further contends that the petitioner has approached the respondents on a number of occasions to get his payment released, but all in vain. Besides, a number of representations followed by the legal notice dated 16.08.2022 (Annexure P-3) was served upon the respondents No.1 and 5 but inspite of that, the payment of due amount has not been released in favour of the petitioner.

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.

At this stage, learned counsel for the petitioner contends that he would be satisfied if the respondent No.5 is directed to decide the legal notice dated 16.08.2022 (Annexure P-3) within a stipulated time frame.

Learned State Counsel did not raise any objection to the prayer made by the counsel for the petitioner.

Accordingly, the present petition is disposed of with a direction to the respondent No.5 to consider and decide the legal notice dated 16.08.2022 (Annexure P-3) by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon deciding the legal notice dated 16.08.2022 (Annexure P-3), if any amount is found to be paid to the petitioner, the same shall be disbursed within a further period of 03 months.

Petition stands disposed of accordingly.

12.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

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