

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

132

CWP-23341-2022
Date of Decision: 12.10.2022

M/S NATIOAL CONSTRUCTION CO.

... 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.82,46,949/- qua the work of up-gradation/repair of Gurdaspur-Dera Baba Nanak Road to Agwan, Barila Dhidowal, Rudiana, Boharwadala, Shalla, Jeo Jully Kalanpur Road, Block Kalanpur District Gurdaspur under Head NABARD-25 for the year 2019-20 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. The aforesaid work was allotted to the petitioner vide EE No.274 dated 15.02.2021. The petitioner immediately commenced the work and executed the same within stipulated time period i.e. upto 28.04.2022. The payments of 7 running bills have been made by the respondents but the payment of 08th and final bill amounting to Rs.82,46,949/- has not been made till date. The

entry of the final bill has been made in MB No.2473/3274 at Page No.151 to 160, which denotes that there is no dispute with regard to the execution of the work by the petitioner and with regard to the amount of final bill payable to the petitioner. He further contends that the petitioner has made numerous representations. It is, however, told to the petitioner that respondents have requisitioned from the competent authority and the payment shall be released on receipt of the requisitioned budget. But till date the payment of due amount has not been made. He further contends that the finally the petitioner was constrained to serve a legal notice dated 07.09.2022 (Annexure P-3) upon the respondents No.3 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 petition contends that he would be satisfied if the respondent No.3 is directed to decide the legal notice dated 07.09.2022 (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 being allowed.

Accordingly, the present petition is disposed of with a direction to the respondent No.3 to consider and decide the legal notice dated 07.09.2022 (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 07.09.2022 (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
rajender

(VINOD S. BHARDWAJ)
JUDGE

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