

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

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**CWP-23450-2022 (O&M).
Date of Decision: 14.10.2022.**

M/s J.K. Infcon Pvt. Ltd.

... 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.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of Rs.6,09,89,359/- including security qua the works executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the work of laying 20 mm thick premix on road in Chaura Bazar & Chauri Sadak from old G.T. Road to Division No.3 Road upto Petrol Pump, laying and SDBC in Streets of near Tirkona Park and adjoining streets in Ward No.39 and various other works allotted vide different work orders as mentioned in paragraph No. 2 of the petition.

Learned counsel for the petitioner contends that the work of laying 20 mm thick premix on road in Chaura Bazar & Chauri Sadak from

old G.T. Road to Division No.3 Road upto Petrol Pump, laying and SDBC in Streets of near Tirkona Park and adjoining streets in Ward No.39 and various other works allotted vide different work orders as mentioned in paragraph No. 2 of present petition stand successfully executed, however, the payment against the execution of the aforesaid works and security 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 07.09.2022 has been sent by the petitioner vide Annexure P-3 and that despite a lapse of about 1½ months 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 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 respondents No.1 and 2 – 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 No.3, 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 the respondent No.3 - the Municipal Corporation, Ludhiana, is directed to take note of the legal notice dated 07.09.2022 (Annexure P-3) sent by the

petitioner and to pass 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.

Petition stands disposed of accordingly.

October 14, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No