

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

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**CWP-23485-2022 (O&M).
Date of Decision: 14.10.2022.**

M/s B.S. Builders

... 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.75,97,060/- qua the work of Planning, Design and Construction of H.L. Bridge over Narvana Branch Canal Steel and 2 number Box Cell H.L. Bridge over minor Canal in replacement of existing old Bridges for Rehabilitation/up-gradation of 2-Lane to 4-Laning of Gurudwara Dukh Niwaran Sahib – Fatehgarh Sahib-Chamkaur Sahib – Bela (MDR-31) from km 1.250 to 29.551, newly announced Mata Gujari Marg (Mata Gujar Kaur), District Patiala and Fatehgarh Sahib, executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the work of aforesaid work vide allotment letter dated 07.01.2022 (Annexure P-1).

Learned counsel for the petitioner contends that the work of Planning, Design and Construction of H.L. Bridge over Narvana Branch Canal Steel and 2 number Box Cell H.L. Bridge over minor Canal in replacement of existing old Bridges for Rehabilitation/up-gradation of 2-Lane to 4-Laning of Gurudwara Dukh Niwaran Sahib – Fatehgarh Sahib-Chamkaur Sahib – Bela (MDR-31) from km 1.250 to 29.551 (newly announced Mata Gujari Marg (Mata Gujar Kaur), District Patiala and Fatehgarh Sahib, stand successfully executed, however, the payment against the execution of the aforesaid works has not been released yet, 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 05.09.2022 (Annexure P-3) has been sent by the petitioner and that despite a lapse of more than 1 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 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.

On the asking of the Court, Mr. Saurav Verma, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondents and he has 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.4 - the Executive Engineer, Central Works Division, Public Works Department (B&R) Branch, Room No.464, 3rd Floor, D.A.C. Complex, Sector 76, S.A.S. Nagar, Mohali, is directed to take note of the legal notice dated 05.09.2022 (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.

(VINOD S. BHARDWAJ)
JUDGE

October 14, 2022.
raj arora

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No