

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

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CWP-23893-2022
Date of Decision: 17.10.2022.

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. Niharika Sharma, AAG for Punjab respondent No. 1.

Mr. Saurav Verma, Addl. A.G., Punjab for respondent Nos. 2
to 4.

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.33,67,877/- qua the maintenance work of Up-gradation of L/R SH-11 to ODR-26 via Butari to Khattria under PMGSY-II (Batch-1, 2015-16), executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the work of aforesaid work vide allotment letter dated 27.05.2016(Annexure P-1).

Learned counsel for the petitioner contends that the maintenance work of Up-gradation of L/R SH-11 to ODR-26 via Butari to

Khattra under PMGSY-II (Batch-1, 2015-16), stand successfully executed, however, the payment against the execution of the aforesaid works 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 02.09.2022 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than 1 and a half 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 No. 2 to 4 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 (C), Punjab Mandi Board, Ludhiana Zila Mandi Bhawan, Dana Mandi, Gill Road, Ludhiana, is directed to take note of the legal notice dated 02.09.2022 (Annexure P-4) 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 17, 2022.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No