

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

164

CWP-23875-2022

Date of Decision: 17.10.2022

M/S J.K. INFCON PVT. LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of Rs.12,73,27,479/- alongwith interest @ 12% per annum qua the work undertaken by the petitioner.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. On 31.12.2021, the work of up-gradation of Sirhind Morinda Road (MDR-31) RD 8.00 to 19.10 km. in District Fatehgarh Sahib under Head 5054 RB-10 Roads was allotted to the petitioner vide EE No.2699 dated 31.12.2021. The petitioner immediately commenced the work on 31.12.2021 and completed the same within a stipulated time frame i.e. in the month of June, 2022. The payment of two running bills has been released to the petitioner but the payment of 3rd running bill amounting to Rs.8,13,69,167/- and 4th and final bill amounting to Rs.4,59,58,312/- i.e. a total amount of Rs.12,73,27,479/- has not been released till date. It is further submitted that vide letter dated 17.06.2022 (Annexure P-4) of the respondent-Authorities, the amount in

question is an undisputed amount. He further contends that the petitioner submitted various representations followed by a recently served legal notice dated 23.09.2022 before the respondent-Authorities, but the payment in question has not been released by the respondents.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of respondents and prays for time to complete instructions and file response.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.5 is directed to consider and decide the legal notice dated 23.09.2022 (Annexure P-5) in a time bound manner.

Learned State counsel did not oppose the innocuous prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, the present petition is disposed of while directing the respondent No.5 to consider and decide the legal notice dated 23.09.2022 (Annexure P-5) by passing a reasoned and speaking order after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

17.10.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

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