

112

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

CWP No. 26897 of 2021

Date of Decision: 05.01.2022

Kapcon Projects Pvt. Ltd.

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ankit Midha, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this petition under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to make payment of Rs.3,68,622/- for the work done by the petitioner along with interest.

Learned counsel for the petitioner submits that in the year 2009, construction work of Morinda-Chunni Road was allocated to the petitioner for certain stretch of length along with its maintenance for 05 years.

Petitioner is a Class-A government contractor. The work was completed by the petitioner in May, 2010 to the entire satisfaction of the competent authority. Even defect period liability has also expired. The matter was taken up by respondent No.3 and referred the same to respondent No.2 for release of the aforesaid amount in favour of the petitioner. In partial acceptance of the claim of the petitioner, an amount of Rs.1,22,040/- was released to the petitioner on 27.11.2015, however remaining amount was not released despite the fact that certificate of completion and maintenance was duly issued, showing no adverse report against the petitioner in respect of maintenance of the road.

Learned counsel further submits that vide letter memo dated 15.07.2016, the Chief Engineer- respondent No.2 wrote a letter to the Chief Engineer (North)- respondent No.3 that the concerned Superintendent Engineer was repeatedly asked to submit complete case, but the same was not done. A request was made to respondent No.3 in view of instructions of the government that a speaking order be passed and the office of respondent No.2 be informed so that necessary action can be taken on the subject. Thereafter, the petitioner served a legal notice to respondents No.2,3 and 5 on 28.01.2019 for the release of balance amount of Rs.2,46,582/-.

In reply to the aforesaid legal notice, respondent No.2 stated that respondents No.3 to 5 have not passed the speaking orders in view of letter dated 15.07.2016. Even thereafter, the petitioner again got issued a legal notice dated 13.07.2021, but needful has not been done so far.

Learned counsel submits that at this stage, the petitioner would be satisfied in case respondents No.3 to 5 be directed to pass a speaking orders and submit the same to the office of respondent No.2 so that needful in the context of claim of the petitioner can be done.

Notice of motion.

On the asking of the Court, Mr. T.P.S. Chawla, D.A.G., Punjab accepts notice on behalf of the respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This petition is disposed of with a direction to respondents No.3 to 5 to pass a speaking orders within a period of one month in respect of claim of the petitioner in accordance with law and submit the same to the office of respondent No.2 within a week thereafter.

Respondent No.2 on receipt of copy of speaking orders shall proceed to take appropriate action in accordance with law within a further period of 15 days thereafter.

05.01.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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