

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

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**CWP-25022-2022 (O&M).
Date of Decision: 01.11.2022.**

Daljit Singh Kohli, Contractor, Bathinda

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: None

VINOD S. BHARDWAJ, J. (ORAL)

Local Bar association is abstaining from work today.

The instant writ petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to release the pending passed/audited payment of the work done by the petitioner i.e. constructions of piped inlet channel, Brick masonry huddies (3 nos) construction and repair of storage & sanimentation tank, repair of existing pump chambers, construction of suction cum scour well, construction and repair of high level tank, construction of new filter bed, repair of filter beds (3nos) construction and repair of clear water tank, clear water sump, pipe line at head works, site laying at head works, providing and installing of pumping machinery, water connection with water meter, distribution system, chlorination plant, repair of existing over head service reservoir 75 cum etc and all other work

contingent there to" Augmentation safe Drinking water supply scheme for village Kothe Hazure (6 nos OH) of village Kotli Ablu Block Kotbhai District Sri Mukatsar Sahib (under NABARD XXIII project) No: DWSS-W-DIV48-9295-1 allotted to the petitioner vide allotment letter dated 07.07.2021, along with interest w.e.f. 20.06.2022 which has been withheld by the respondents with an alternative prayer to the respondent to decide the legal notice dated 25.08.2022 (Annexure P-6).

Briefly summarised, the claim of the petitioner who is an approved Government empanelled Contractor by the respondents is that he had been executing the various works for the respondents – State of Punjab. The allocation of the work in question was done on 07.07.2021 and the said work was executed within 1½ months from the date of acceptance of the letter of allotment. The petitioner executed the aforesaid work within the time schedule and a final bill on completion of work was submitted in the month of June 2022, however, despite the satisfactory execution of the work and there being no complaint of any nature regarding the due execution of the work, the payment in question has not been released. The budgetary allocation for the said work had been provided. As no satisfactory reason was being given for release of the payment, the petitioner sent a legal notice dated 25.08.2022 (Annexure P-6).

Taking into consideration that an alternative prayer has been made to the extent that the legal notice be decided by the respondent authorities in a time bound manner, the present writ petition is disposed of with a direction to respondent No.4 - the Executive Engineer, Water Supply & Sanitation Division No.1, Sri Muktsar Sahib, Punjab, to look into the grievance espoused by the petitioner in the legal notice dated 25.08.2022

(Annexure P-6) 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 after granting an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found due and payable upon consideration of the legal notice and the submissions of the respective parties, the undisputed amount shall be released forthwith and and preferably within a further period of three months of such adjudication.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

November 01, 2022.
raj arora

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No