

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

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**CWP-24989-2022
Date of decision: 31.10.2022**

TARLOCHAN SINGH CONTRACTOR

.....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.

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 to 3.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondent No.4 to 6.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 3,14,11,564/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted the work of construction of Industrial Training Institute (I.T.I) (Type-1), at village Bakraha, Block Patran, District Patiala and the same have also been completed. However, the balance payment qua works satisfactorily executed has not been released. The details

of the payment which the petitioner claims to be outstanding are annexed as Annexure (P-2).

It is contended that the bills with respect to the aforesaid work have already been sent to the respondent and legal notice dated 20.09.2022 has been sent by the petitioner to the respondent No.6-Executive Engineer, Construction Division, PWD, B & R Branch, Patiala.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.6-Executive Engineer, Construction Division, PWD, B & R Branch, Patiala is directed to look into the legal notice dated 20.09.2022 and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 to 3.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.4 to 6-Punjab Public Works Department, B & R Branch, Patiala.

Learned counsel appearing on behalf of respondent No.4 to 6 has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.6-Executive Engineer, Construction Division, PWD, B & R

Branch, Patiala to examine the grievance espoused by the petitioner in the Legal Notice dated 20.09.2022 (Annexure P-3) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 31, 2022

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No