

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

125

CWP-25116-2022

Date of decision: 01.11.2022

ASHOK KUMAR CONTRACTOR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- None.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been instituted under Articles 226/227 of the Constitution of India for seeking issuance of directions in the nature of Mandamus to respondents to release the due payment of Rs. 1,13,18,493/- qua the works of Relining of Sirhind Feeder from RD 428000 to 431000 (Slice RD 429500 to 431000) and RD 431000 to 434000 (Slice RD 431000 to 432500) executed by the petitioner alongwith interest @ 12% p.a.

Local Bar Association is abstaining from work today.

Briefly summarized, the claim of the petitioner is that the aforesaid work of Relining of Sirhind Feeder from RD 428000 to 431000 (Slice RD 429500 to 431000) and RD 431000 to 434000 (Slice RD 431000 to 432500) mentioned above was allotted to the petitioner on 04.10.2019. The aforesaid work has been successfully executed by the petitioner. However, due payment of Rs. 1,13,18,493/- has not been paid till date to the petitioner. A number of representations are stated to have been served by the petitioner for releasing the due payment. A

representation dated 15.06.2022 (Annexure P-4) submitted to the Executive Engineer, Abhohar Canal Division, Abohar for seeking release of the due payment amounting to Rs. 1,13,18,493/-.

Reliance is also placed on various precedent judgments passed by this Court where undisputed payments have not been released to the contractors.

Taking into consideration the totality of the circumstances noticed above and without commenting on the merits of the case or the admissibility of the claim therein and also the fact that a representation dated 15.06.2022 (Annexure P-4) espousing the grievances has already been submitted by the petitioner to the respondent authorities, it is deemed appropriate to dispose of the present petition directing the respondent No.4-Executive Engineer, Abhohar Canal Division, Abohar to decide the representation dated 15.06.2022 (Annexure P-4) within a period of 03 months of receipt of certified copy of this order after granting an opportunity of hearing to the respective parties.

In the event, any such amount is found due by the respondent authorities upon consideration of the respective claims, such undisputed amount shall be released to the petitioner forthwith and preferably within a period of 03 months thereafter.

Petition is disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 01, 2022

Vishal sharma

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