

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

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CWP-25995-2022

Date of decision: 15.11.2022

M/S GAANESHKARTIKEY CONSTRUCTIONS PVT. LTD.

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Mandeep Singh, Advocate for
Mr. Hardik Ahluwalia, Advocate for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondent No.1.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondents No.2 to 5.

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 respondent No.5 to release the due payment of Rs.76,40,573/- qua the works executed by the petitioner alongwith interest @ 24% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work for the “Upgradation of Amritsar-Rania Road MDR-65 to Kheerabad to Amritsar-Ajnala Road Sh-25 via Dhaul Kalan Kheerabad road, under PMGSY-III” and the assigned work was duly completed. However, the payment of bills qua

the work executed by the petitioner amounting to Rs.76,40,573/- has not been released to the petitioner.

It is further contended that the bills with respect to the aforesaid work have already been sent to the respondents and several representations have been made by the petitioner including the Legal Notice submitted on 24.08.2022 (Annexure P-5) to the respondent No.4-Executive Engineer, (Civil) Construction Division, Punjab Mandi Board, Amritsar.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent respondent No.4-Executive Engineer, (Civil) Construction Division, Punjab Mandi Board, Amritsar is directed to look into the Legal Notice dated 24.08.2022 (Annexure P-5) 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.

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.2 to 5. He accepts notice on the asking of the Court on behalf of respondents No.2 to 5.

Learned counsel appearing on behalf of respondent No.2 to 5 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 respondent No.4-Executive Engineer, (Civil) Construction Division, Punjab Mandi Board, Amritsar to examine the grievance espoused by the petitioner in the Legal Notice dated 24.08.2022 (Annexure P-5) 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

NOVEMBER 15, 2022

Vishal sharma

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