

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

124

**CWP-25943-2022 (O&M).
Date of Decision: 15.11.2022.**

M/s NKC Constructions Pvt. Ltd.

... 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.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the security amount of Rs.1,04,36,778/- qua certain works of Laying BMPC on Sekhewal Road and Santokh Nagar Street No.4 in Ward No.3; P/F of I/Tiles paver Block 60/80 MM thick in area of Sub Zone A1 Madhopuri Road and laying RMC M-30 in Soodan Mohalla Part II & Kucha Mangat Rai in Ward No.35 and various other works as detailed in paragraph No.3 of the instant petition, executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the aforesaid works vide various work orders and one of the

work order dated 22.02.2019 is appended with the present petition as Annexure P-1.

Learned counsel for the petitioner contends that certain works of Laying BMPC on Sekhewal Road and Santokh Nagar Street No.4 in Ward No.3; P/F of I/Tiles paver Block 60/80 MM thick in area of Sub Zone A1 Madhopuri Road and laying RMC M-30 in Soodan Mohalla Part II & Kucha Mangat Rai in Ward No.35 and various other works as detailed in paragraph No.3 of the instant petition stand successfully executed, however, the payment against the execution of the aforesaid works has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He further contends that in this regard, a legal notice dated 10.10.2022 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than one month since the date of legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He contends that he would be satisfied in case the respondent authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2 – State and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondent Nos.3 and 4, and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.4 - the Superintending Engineer, Municipal Corporation, Ludhiana, is directed to take note of the legal notice dated 10.10.2022 (Annexure P-4) sent by the petitioner 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.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

November 15, 2022.
raj arora

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No