

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

112

**CWP-29761-2022
Date of decision: 22.12.2022**

M/S MITTAL CONSTRUCTION CO.

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Anubhav Bansal, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents.

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 qua the works executed by the petitioner alongwith interest.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of Annual Operation and Maintenance for Water Supply Scheme for 05 years and all other work contingent thereto through water supply scheme vide letter No.4223 dated 03.08.2015. After completion of two years, the petitioner raised 1st and running bill for a sum of Rs. 4,75,000/- i.e. for the period from 04.08.2015 to 03.08.2017 and the same was duly passed and entry was made in the requisite records.

Thereafter, petitioner raised 2nd and final bill for the remaining period including the earlier period i.e. from 04.08.2015 to 03.08.2020 for a total amount of Rs. 9,20,000/- However, the aforesaid payment has not been released to the petitioner after completion of the said work.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including representation dated 30.01.2022 & 09.11.2022 respectively (Annexure P-4 & Annexure P-5) have been made by the petitioner to the respondent No.3-Executive Engineer, Water Supply and Sanitation Division No.1, Sri Muktsar Sahib for release of his due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3-Executive Engineer, Water Supply and Sanitation Division No.1, Sri Muktsar Sahib is directed to look into the representation dated 30.01.2022 & 09.11.2022 (Annexure P-4 & Annexure P-5) respectively 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 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with the consent of the parties and without commenting on the merits of the claim, with a direction to respondent No.3-Executive Engineer, Water Supply and Sanitation Division No.1, Sri Muktsar Sahib to examine the grievance espoused by the petitioner in the dated 30.01.2022 & 09.11.2022 (Annexure P-4 & Annexure P-5) respectively 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

DECEMBER 22, 2022

Vishal Sharma

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