

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

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**CWP-28874-2022 (O&M).
Date of Decision: 15.12.2022.**

M/s Vijay Kumar Garg Contractor Sole Prop.

.. Petitioner

Versus

State of Punjab and another

... Respondents

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

Present: Mr. Gaurav Singh Rana, Advocate,
for the petitioner.

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 respondent No.2 to make the payment and refund the security deposit along with interest @ 18% per anum

The petitioner claims to be a Proprietorship Concern having been assigned the work of Sirhind Feeder RD 244500-246000 vide letter dated 01.11.2021 (Annexure P-1) and the work of Relining of Rajasthan Feeder RD 420000-421000 vide letter dated 08.03.2021 (Annexure P-2) by the respondent.

Learned counsel for the petitioner contends that the work of Sirhind Feeder RD 244500-246000 vide letter dated 01.11.2021 (Annexure P-1) and the work of Relining of Rajasthan Feeder RD 420000-421000, 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 demand notice dated 18.10.2022 (Annexure P-5) has been sent by the petitioner and that despite a lapse of more than two months since the date of demand 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 demand 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.

On the asking of the Court, Mr. Saurav Verma, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondents and he has 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.2 - the Executive Engineer, Rajasthan Feeder Division Canal Colony, Ferozepur, is directed to take note of the demand notice dated 18.10.2022 (Annexure P-5) sent by the petitioner and to pass a speaking and reasoned 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

December 15, 2022.

raj arora

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No