

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

143

**CWP-29225-2022
Date of decision: 19.12.2022**

M/S RAJINDER KUMAR & CO.

.....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
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 of Rs. 22,18,021/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of Upgradation of Basti Bhuman Shah to Prabhat Singh Wala via Dhani Des Raj vide EE No.C-1 FZR 1357-60 dated 28.08.2015. The petitioner successfully completed the same on 30.06.2018. However, the payment of the two running bills has been released to the petitioner but the payment of 3rd running bill amounting to

Rs. 14,13,393/- and 4th & final bill amounting to Rs. 8,04,628/- i.e. total amounting to Rs. 22,18,021/- has not been released to the petitioner.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 26.10.2022 (Annexure P-3) has been made by the petitioner to the respondent No.5-the Executive Engineer, Construction Division No.1, Public Works Department (B &R) Branch, Ferozepur 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.5-the Executive Engineer, Construction Division No.1, Public Works Department (B &R) Branch, Ferozepur is directed to look into the Legal Notice dated 26.10.2022 (Annexure P-3) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. 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 consent and without commenting on the merits of the claim, with a direction to respondent No.5-the Executive Engineer, Construction Division No.1, Public Works Department (B&R) Branch, Ferozepur to examine the grievance espoused by the petitioner in the Legal Notice dated 26.10.2022 (Annexure P-3) 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 alongwith 6 % interest from the date of accrual till final realisation of the amount 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 19, 2022
Vishal Sharma

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