

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

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**CWP-29894-2022 (O&M).
Date of Decision: 22.12.2022.**

M/s R.S. Builders

... Petitioner

Versus

The State of Punjab and others

... Respondents

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

Present: Mr. Rajesh Kumar Girdhar, 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 the respondents to release the due payment of Rs.12,72,000/- qua the work of Special Repair of District and Sessions House at Rupnagar, executed by the petitioner.

The petitioner claims to be a Government Contractor having been assigned the work of Special Repair of District and Sessions House at Rupnagar, vide allotment letter dated 08.03.2019 (Annexure P-1).

Learned counsel for the petitioner contends that the aforesaid work of Special Repair of District and Sessions House at Rupnagar, stand

successfully executed, however, the payment against the execution of the aforesaid works has not been released, 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 15.09.2022 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than 3 months 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.

On the asking of the Court, Ms. Niharika Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents and she 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.4 - the Executive Engineer, Construction Division, PWD (B&R) Branch, Rupnagar, is directed to take note of the legal notice dated 15.09.2022 (Annexure P-4) sent by the petitioner and to pass a reasoned and 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.

December 22, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No