

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP-62-2023
Date of decision: 06.01.2023

DEEPAK KUMARPetitioner

VERSUS

THE STATE OF PUNJAB AND OTHERSRespondents

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. 91,90,000/- qua the two works executed by the petitioner.

Learned counsel appearing on behalf of the petitioner contends that the petitioner had been allotted two works during the year 2022 and the same had been duly completed. The details of the said works executed by the petitioner are extracted as under:

Sr. No	Details of the works	Amount payable
1	Plugging the common bank at RD 238600 at S.F. (Rajasthan Feeder RD	Rs. 89,80,000/-

	293000-294000) Work Order No. 20 dated 09.05.2022 Date of completion: 26.05.2022	
2.	Est. for filing rain cuts/Gharas and cavities and protecting damaged lining between RD 289000 to 299000 of Rajasthan Feeder Work Order No. 01 dated 17.07.2022 Date of completion: 25.07.2022	Rs. 2,10,000/-
	Grand Total	Rs. 91,90,000/-

A copy of one of the work orders has been appended along with the presnet petition as Annexure P-1.

Counsel contends that despite successful execution of the work, the payment in question was not released as a result whereof legal notice dated 29.11.2022 was served by the petitioner to the respondents.

In response to the aforesaid legal notice vide memo No. 12381 dated 22.12.2022, the respondents have submitted that estimates referred to above have already been sent for sanctioned vide endoresement No. 1851 dated 01.12.2022 to the Circle Office, Ferozepur as and when the same are sanctioned, the payment shall be made to the petitioner. Further, the specific averment of the petitioner about successful execution of the project in question has also not been disputed by the respondent in their response to the Legal Notice.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents.

Learned State counsel is not in a position to refute the response submitted by the officials to the Legal Notice sent by the petitioner.

He also could not refer to any factual dispute that may have been raised by the official respondents while responding to the specific averment raised in the Legal Notice.

Taking into consideration the undisputed question of fact regarding the due execution of the work and also the entitlement of the petitioner to the release of undisputed amount, the present petition is disposed of with a direction to respondent-authorities to release the undisputed payment to the petitioner within a period of 03 months of receipt of certified copy of this order.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)

JUDGE

JANUARY 06, 2023

Vishal Sharma

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