

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CWP-181-2023

Date of Decision:09.01.2023

Netar Singh

.....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.

Ms. Niharika Sharma, A.A.G., Punjab,
for respondent No.1 to 4.

Mr. Saurav Verma, Addl. A.G., Punjab,
for respondent No.5.

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India, 1950 is for issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to release the due amount qua the works executed by the petitioner along with interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner is a Government contractor and has executed various works assigned to him and there has never been any complaint against the work executed by the petitioner. He further contends that during the year 2016 to 2022, certain works were allotted to the petitioner which have been

duly executed but the balance payment of the aforesaid works has not been released till date. The details of the works and the amount payable to the petitioner are duly described in paragraph No.2 of the present writ petition.

It is contended that even though the petitioner had satisfactorily done the maintenance work for the aforesaid period, yet, the due payment has not been released to the petitioner. The petitioner has served a number of representations to the respondents, however, the due payment has not been released on the ground of non-availability of funds. As a result whereof, a legal notice was sent by the petitioner to the respondent No.4 on 23.11.2022 (Annexure P/3).

The respondent No.4 replied to the aforesaid legal notice vide letter No.11917 dated 21.12.2022 wherein he has admitted the due payment to the petitioner, however, it has been averred that the payment shall be released on receipt of funds from respondent No.5-The Municipal Corporation, SAS Nagar, Mohali. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

Notice of motion.

Ms. Niharika Sharma, A.A.G., Punjab, who is present in Court accepts notice on behalf of respondent Nos.1 to 4. Mr. Saurav Verma, Addl. A.G., Punjab, who would be deemed to be on the panel of all statutory Boards and Corporations of the State of Punjab by virtue of his appointment is requested to accept notice on behalf of respondent No.5.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of respondent No.5.

Learned counsel appearing on behalf of the respondents are unable to dispute factual aspect stated by the Executive Engineer, Water

Supply and Sanitation Department, SAS Nagar, Mohali. Hence, the factual aspects stand uncontroverted and undisputed.

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to respondent No.4-The Executive Engineer, Water Supply and Sanitation Department, SAS Nagar, Mohali, to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

Petition is disposed of.

January 09, 2023
seema

(VINOD S. BHARDWAJ)
JUDGE

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