

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

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**CWP-202-2023
Date of decision: 09.01.2023**

M/S GANESH KARTIKEY CONSTRUCTION PVT. LTD.Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERSRespondents

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

Present:- Mr. Chirag Girdhar, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents No. 1 & 2.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondents No.3 to 6.

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. 1,03,78,405/- including balance payment, bank guarantee and security 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 Repair and Maintenance of BRTS Route Amritsar (Civil Works) vide order No.XEN (BRTS)/G-33/30 dated 25.11.2021. The petitioner immediately commenced this work and has executed about 60% of the work and the payment of 1st running bill

amounting to Rs. 55,28,432/- and 2nd running bill amounting to Rs. 58,49,973/- have been duly passed. However, the aforesaid amount 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 10.12.2022 (Annexure P-5) has been served by the petitioner to the respondent-authorities for release of due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4-the Commissioner, Municipal Corporation, Amritsar is directed to look into the Legal Notice dated 10.12.2022 (Annexure P-5) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 & 2.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.3 to 6-Municipal Corporation, Amritsar.

On the asking of the Court, he accepts notice on behalf of respondents No.3 to 6 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.4-the Commissioner, Municipal Corporation, Amritsar to examine the grievance espoused by the petitioner in the Legal Notice dated 10.12.2022 (Annexure P-5) 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 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

JANUARY 09, 2023

Vishal Sharma

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