

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CWP-848-2023

Date of Decision: 17.01.2023

M/s Satish Aggarwal & Co.

.....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)

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

Briefly, the facts of the present petition are that the petitioner is a Government contractor and he was allotted the works of Special Repair of Jalandhar Jandu Singha Plan Road (JODR-1) including routine maintenance of three years under Head 5054 RB-10 Constituency Jalandhar North, Adampur in District Jalandhar and the same have been duly completed on 30.11.2021. The payment of the running bills has been released, however, payment of third and final bill with refund of security has not been made till date to the petitioner. He has served number of representations as well as legal notice dated 20.12.2022 (Annexure P/4) to respondent No.5 but no action has been taken thereupon.

Learned counsel appearing on behalf of the petitioner contends that at this stage he would be satisfied, in case, the legal notice 20.12.2022 (Annexure P/4) is directed to be decided by respondent No.5 by passing a speaking order in accordance with law.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in Court accepts notice on behalf of respondent Nos.1 to 5.

Accordingly, with the consent of the parties, the present civil writ petition is disposed of with a direction to respondent No.5-The Executive Engineer, Provincial Division, PWD B&R Branch, Jalandhar Cantt. to take note of the legal notice dated 20.12.2022 (Annexure P/4) served by the petitioner and to pass a speaking and reasoned order in accordance with law, preferably within a period of three months from the date of receipt of a certified copy of this order after granting an opportunity of hearing to the respective parties.

If the entitlement of the petitioner is established upon consideration of the claim and verification of the record, then the payment be released to him within a further period of three months thereafter.

Petition is disposed of.

January 17, 2023
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No