

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

258

CWP-2217-2022
Date of Decision: 26.07.2023

NEERAJ KUMAR CONTRACTOR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Tajinder Pal Singh, Advocate
for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

Mr. Vinod K. Kanwal, Advocate for
Mr. P.I.P. Singh, Advocate
for the respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of 23 lacs qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner was allotted work of Repair and Renovation of Sub-Centres for setting up Health and Wellness Centres at Block Jandwala and Dabwala Kalan, District Fazilka (8 Nos). The petitioner started the allotted work on the date when the same was allotted to the petitioner, but some of the works were not started

timely because of the failure of the department in not getting the sites vacated and on some of the occasions the work was not started because of the interference of local panchayat. That on 10.05.2019, respondent No.4 issued a letter to the petitioner to start and speed up the execution of the work and to complete the same within 15 days. Respondent No.4 even admitted that almost 33% of the total work has been completed by the petitioner. The petitioner requested respondent No.4 that he is ready and willing to complete the work in a time bound manner and requested to respondent No.4 to release the outstanding amount of almost Rs. 23 lacs so that the above said work can be finished in a time bound manner but no payment has been released by respondent-authorities despite several request letter sent by the petitioner repeated reminders. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner sent representation dated 15.09.2021 (Annexure P-10) to respondent No.4- Executive Engineer (Civil), Punjab Health Systems Corporation, Bathinda but the respondents neither responded to the same nor did they make the payment of outstanding amount of the petitioner.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-Executive Engineer (Civil), Punjab Health Systems Corporation, Bathinda is directed to consider and decide the representation dated 15.09.2021 (Annexure P-10) in a time bound manner.

Learned counsel for the respondents No.2 to 4 does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the

present petition is disposed of while directing respondent No.4 to consider and decide the representation dated 15.09.2021 (Annexure P-10) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in his favour within a further period of three months.

Petition stands disposed of accordingly.

JULY 26, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No