

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

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CWP-2041-2023
Date of Decision: 02.02.2023

SUKHJEET 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.

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 payment of Rs.7,47,162/- including security qua the works of various Water Supply Schemes executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. During the year 2020, certain works of various Water Supply Schemes were allotted to the petitioner vide different allotment letters and one of those letters is appended alongwith the instant petition as Annexure P-1. The petitioner has completed the works in the year 2021 but the payment qua said works has not been released till date. The details of the works executed by

the petitioner and the outstanding payment against the said works have been duly given paragraph No.3 of the writ petition. Despite successful completion of the said works, the balance payment as well as security amount has not been released in favour of the petitioner. Even the defect liability period of the aforesaid work has also been expired. However, the balance payment is not being released without any justifiable reason. It is further averred that the petitioner made several representations followed by a legal notice dated 02.01.2023 (Annexure P-3) which has been served upon the respondent No.5 but no action has been taken thereupon till date.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of the respondents and prays for some time to complete instructions and file reply.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.5 is directed to consider and decide the legal notice dated 02.01.2023 (Annexure P-3) in a time bound manner.

Learned State Counsel does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.5 to consider and decide the legal notice dated 02.01.2023 (Annexure P-3) 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 favour of the petitioner within a further period of three months.

02.02.2023
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(VINOD S. BHARDWAJ)
JUDGE

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