

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

119

**CWP-2870-2023 (O&M).
Date of Decision: 13.02.2023.**

21st Century Enviro Engineers Pvt. Limited

.. Petitioner

Versus

The State of Haryana 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of Rs.74,38,677/- qua the work of Design, Construction, Supply, Erection, Testing and Commissioning of 15 MLD Capacity MPS, 5 MLD Sewage Treatment Plant for Sector-8,9,10,21 (existing) 23, 26 & 27 (under development) based on sequential Batch Reactor Process, treated effluent collection sump, lifting pumps & Tertiary Treatment comprising of multi grade pressure filters, activated carbon filters, chlorination, raising main complete in all respect including related & contingent work thereto including Transformer, DG Set & contingent Electrical, Mechanical, Piping & Instrumentation Works with SCADA system at Sewage Treatment Plant works with operation & Maintenance for 4 years after 12 months defect liability period at Sector-21, Ambala, executed by the petitioner.

The petitioner claims that various works were assigned to it from time to time and one of the allotment letter dated 27.04.2018 is annexed herewith as Annexure P-1.

Learned counsel for the petitioner contends that the aforesaid work of Design, Construction, Supply, Erection, Testing and Commissioning of 15 MLD Capacity MPS, 5 MLD Sewage Treatment Plant for Sector- 8,9,10,21 (existing) 23, 26 & 27 (under development) based on sequential Batch Reactor Process, treated effluent collection sump, lifting pumps & Tertiary Treatment comprising of multi grade pressure filters, activated carbon filters, chlorination, raising main complete in all respect including related & contingent work thereto including Transformer, DG Set & contingent Electrical, Mechanical, Piping & Instrumentation Works with SCADA system at Sewage Treatment Plant works with operation & Maintenance for 4 years after 12 months defect liability period at Sector-21, Ambala, stands successfully executed. He contends that payment of bills has been released to the petitioner, however, the security amount of Rs.74,38,677/- has not been released yet. He contends that in this regard, a representation dated 30.04.2022 (Annexure P-3) followed by a subsequent representation dated 30.09.2022 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than 9 months since the date of first representation neither any decision has been taken thereupon nor has the due and undisputed amount been released by the respondents. He further contends that he would be satisfied in case the respondent authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana, accepts notice on behalf of respondent No.1/State whereas Mr. Vivek Saini, Advocate accepts notice on behalf of respondents No.2 to 5, and they have no objection to the aforesaid prayer being granted..

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.5 - the Executive Engineer, Haryana Shehri Vikas Pradhikaran (HSVP), is directed to take note of the representation dated 30.04.2022 (Annexure P-3) followed by a subsequent representation dated 30.09.2022 (Annexure P-4) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

February 13, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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