

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

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**CWP-3642-2023 (O&M).
Date of Decision: 22.02.2023.**

M/s Rai Constructions

.. 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)

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.22,18,131/- including security and earnest money qua the works executed by the petitioner.

The petitioner claims that the work of De-silting of Sewer Pipeline and the work of De-silting of P.T. Sewer at various places by Super Sucker Machine and CCTV Cameras including disposal of silt upto 5 km 750 mm was allotted to the petitioner vide allotment letter dated 14.09.2021 (Annexure P-1).

Learned counsel for the petitioner contends that the aforesaid work of De-silting of Sewer Pipeline and the work of De-silting of P.T. Sewer at various places by Super Sucker Machine and CCTV Cameras including disposal of silt upto 5 km 750 mm, stand successfully executed, however, the payment against the execution of the aforesaid works has not

been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a legal notice dated 20.01.2023 (Annexure P-3) has been sent by the petitioner and that despite a lapse of about 1 month since the date of the legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent authorities are directed to look into the legal notice 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. Vishnav Gandhi, DAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondents No.3 and 4, 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.3 - the Executive Officer, Municipal Council, Fazilka, is directed to take note of the legal notice dated 20.01.2023 (Annexure P-3) 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 22, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No