

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

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**CWP-3810-2023 (O&M).
Date of Decision: 24.02.2023.**

Bhambra Construction Company

.. Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Jagdeep Singh Rana, 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 the work done by the petitioner i.e. Rs.19,86,854/- + Rs.1,16,365/- + Bank Guarantee of Rs.1,31,221/- and Bank Guarantee of Rs.4,99,950/- along with interest @ 18% per annum.

The petitioner states that the work of Providing & Installing a new Tubewell of size 300x200 mm i/d to be drilled upto 250 mtr. Depth BGL with Reverse Rotary Rig, Prov. & Installing Pumping Machinery, C.I. Pipes & Specials Inside Pump Chamber, Non-Electricity based Water Powered Chlorination Unit, Village Prem Nagar, Block Balachaur, District SBS Nagar was allotted to the petitioner vide allotment letter dated 29.12.2021 (Annexures P-1 and P-2).

Learned counsel for the petitioner contends that the aforesaid work stands 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 representation dated 17.11.2022 (Annexure P-8) followed by subsequent representations dated 05.12.2022 (Annexure P-9) and dated 05.01.2023 (Annexure P-10) have been sent by the petitioner and that despite a lapse of more than 3 months since the date of first representation 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 representations 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 to respondents No.1 to 4 only.

On the asking of the Court, Mr. Vishnav Gandhi, DAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 4 and he has 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.4 - the Executive Engineer, Water Supply and Sanitation Division, SBS Nagar, is directed to take note of the representation dated 17.11.2022 (Annexure P-8) followed by subsequent representations dated 05.12.2022 (Annexure P-9) and dated 05.01.2023 (Annexure P-10) 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 24, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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