

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

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**CWP-3801-2023 (O&M).
Date of Decision: 24.02.2023.**

M/s Mittal Builders

.. 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 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.29,88,625/- qua the work of upgradation of Road MRL-02-Khanal Kalan to Nagra via Khanpur Faquiran under PMGSY-III, Batch-I, Package No.PB-17207 length 5.10 km, District Sangrur, executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the aforesaid work vide allotment letter dated 11.05.2021 (Annexure P-1).

Learned counsel for the petitioner contends that the work of upgradation of Road MRL-02-Khanal Kalan to Nagra via Khanpur Faquiran under PMGSY-III, Batch-I, Package No.PB-17207 length 5.10 km, District Sangrur, 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, a legal notice dated 25.01.2023 (Annexure P-4) has been sent by the petitioner and that despite a lapse of about 2 months 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.

On the asking of the Court, Mr. Vishnav Gandhi, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents 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.5 - the Executive Engineer, Provincial Division, PWD B&R Branch, Sangrur, is directed to take note of the legal notice dated 25.01.2023 (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 24, 2023

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(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No