

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

115

CWP-4159-2023 (O&M).
Date of Decision: 01.03.2023.

M/S R.S. CONSTRUCTIONS

.. Petitioner

Versus

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.9,01,344/- qua the works executed by the petitioner along with interest @ 12% per annum. The details of the works executed by the petitioner as detailed in paragraph No.3 of the petition are extracted as under:-

Sr. No.	Details of the works	Amount payable
1.	Construction of Football Ground Azimgarh Road Work Order No. 48 dated 03.11.2020 Date of Completion 02.01.2021	Rs.4,99,928/-
2.	Laying Interlocking Tiles Bahalla Shuttering store H/o Hanuman Nirama, Sat Di Shop Street No.20 Neki Ram H/O Dr Tinku House Ward No.13 Work Order No 25 dated 15.03.2021 Date of Completion 14.06.2021.	Rs.4,01,416/-
	Grand Total	Rs.9,01,344/-

Learned counsel for the petitioner contends that the aforesaid work orders are available with the petitioner and a copy of one of work order dated 15.03.2021 has been annexed with the present petition as Annexure P-1. He further contends that the aforesaid works allotted to the petitioner 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 25.01.2023 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than one 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 respondent No.3 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 Commissioner, Municipal Corporation,

Abohar, District Fazilka, 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.

March 01, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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