

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

120

CWP-4292-2023

Date of Decision: 02.03.2023

M/S VIJAY KUMAR NANDA & ASSOCIATES

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate for
 Mr. R.K. Girdhar, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to make the due payment of Rs.29,76,839/- including security qua the work of laying of sewerage pipelines and construction of Anaerobic Baffled Reactor at Village Dhandra, Block & District Ludhiana alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. On 01.07.2021, the above mentioned work was allotted to the petitioner vide allotment letter No.1949 dated 01.07.2021 for an amount of Rs.3,09,82,000/-. It is further submitted that the work of laying pipeline was completed in the month of May 2022 worth an amount of Rs.2,48,69,876/- but further instructions with regard to remaining work were not provided to the petitioner. An amount of Rs.2,29,11,570/- has also been released to the

petitioner. The second running bill has also been passed by the respondents but its balance payment of Rs.19,58,306/- has not been released till date. Besides, the petitioner is also entitled to claim refund of security amount of Rs.10,18,533/-. As such, a total amount of Rs.29,76,839/- became due towards the respondents. Further, the petitioner submitted various representations to the respondents to provide demarcation (Nishandehi) for completion of remaining work, but the respondents did not pay any heed. Despite repeated representations and requests, the respondents did not provide the Nishandehi nor did they release the outstanding amount of Rs.29,76,839/- to the petitioner. Finally, the petitioner submitted representation dated 21.10.2022 (Annexure P-6) requesting the respondents therein to release his outstanding amount. However, no action has yet been taken upon the said representation.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of the respondents and prays for some time to complete instructions and file reply.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.4- the Executive Engineer, Panchayati Raj Public Works Division, District Administrative Complex, Ludhiana is directed to consider and decide the representation dated 21.10.2022 (Annexure P-6) in a time bound manner.

Learned State Counsel does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.4 to consider and decide the representation dated 21.10.2022 (Annexure P-6) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

02.03.2023
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(VINOD S. BHARDWAJ)
JUDGE

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