

2023:PHHC:056791

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

234

CWP-6908-2021

Date of Decision: 13.04.2023

PANKAJ ARORA

... Petitioner

VERSUS

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.

Mr. Karan Puggal, DAG, Punjab.

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.1,21,32,630/- including security qua the work of providing drinking water supply to village Satjot Nagar (MVS), Block Ludhiana-I, District Ludhiana (under Punjab Rural Water & Sanitation Sector Improvement Project) alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 22.01.2019, the above mentioned work was allotted to the petitioner vide Agreement No.02 dated 22.01.2019 and Letter of Acceptance No.01 dated 22.01.2019. The petitioner immediately commenced the work on 22.01.2019

itself and had successfully completed the same on 18.08.2020. Some of the payments have been released to the petitioner but the balance payment of Rs.2,33,000/- from the 6th running bill and an amount of Rs.1,01,09,930/- from the 7th and final bill has not been released till date. Apart therefrom, an amount of Rs.17,89,700/- was deducted on account of security from the running bills but the same has also not been released. The total of the aforementioned amounts comes to Rs.1,21,32,630/-, which has not been released in favour of the petitioner despite his best efforts. The petitioner, thereafter, submitted a number of representations to the respondents for seeking redressal of his grievance but the respondents did not pay any heed. At last, the petitioner again submitted a representation dated 03.03.2021 (Annexure P-4) requesting the respondents therein to release his outstanding amount. However, no action has yet been taken upon the said representation.

The learned State Counsel had entered appearance in this case on 24.03.2021 and had sought an adjournment for filing reply. However, despite availing as many as 04 effective opportunities including the last opportunity, the reply has not been filed. Today again, the learned counsel has sought adjournment for filing reply. However, adjourning the matter any further for the same purpose would not advance any interest of justice.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.4- the Executive Engineer, Water Supply & Sanitation Division No.1, Ludhiana is directed to consider and decide the representation dated 03.03.2021 (Annexure P-4) 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, 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 03.03.2021 (Annexure P-4) 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 failing which, the amount so found due shall carry interest at the rate of 6% per annum from the date of filing of the petition till actual realization.

Petition stands disposed of accordingly.

13.04.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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