

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

114

CWP-4848-2023

Date of Decision: 13.03.2203

M/S PACIFIC ENGINEERS & BUILDERS

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: 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.11,06,684/- including security and earnest money qua the balance work of Construction of 08 shops in Shiv Om Complex of Improvement Trust, Rajpura alongwith interest @ 12% 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. The aforesaid work was allotted to the petitioner vide work order No.1620 dated 14.08.2020. Thereafter, the petitioner immediately commenced this work on 22.09.2020 and the payments of first and second running bills had been released to the petitioner and the payment of third running bill amounting to Rs.6,98,854/- has been passed, but neither the same is being released nor the remaining work is being executed from the petitioner. Besides the aforesaid amount, the petitioner is entitled for refund of security amount also, which is

Rs.2,75,830/-. The earnest money of Rs.1,32,000/- is also liable to be refunded to the petitioner. Thus a total sum of Rs.11,06,684/- become due to the petitioner. The petitioner approached the respondents a number of times, but nothing fruitful came out. The petitioner served a number of representations followed by a legal notice dated 17.10.2022 (Annexure P-3) but the respondent did not pay any heed towards the same, nor did they make the payment of outstanding amount.

Notice of motion.

Mr. Deepanjay Sharma, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 and 2 and prays for some time to file response, if necessary

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 accept notice on behalf of the respondent No.3. Hence, he accepts notice on behalf of the respondent No.3 and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.3- the Executive Officer, Improvement Trust, Rajpura, District Patiala is directed to consider and decide the legal notice dated 17.10.2022 (Annexure P-3) in a time bound manner.

Learned State Counsel do 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.3 to consider and decide the legal notice dated 17.10.2022 (Annexure P-3) 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.

13.03.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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