

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

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**CWP-5552-2023 (O&M).
Date of Decision: 20.03.2023.**

Pacific Engineers & Builders

.. Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Jagdeep Singh Rana, 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 pending payments of the work done by the petitioner as well as security amount and earnest money of Rs.79,61,225/- along with interest @ 18% per annum.

The petitioner states that the work of construction of Sports Hub on Dholewala Road at Dharamkot was allotted to the petitioner vide office Order No.39 dated 06.05.2022 (Annexure P-1).

Learned counsel for the petitioner contends that the aforesaid work stands successfully executed and a sum of Rs.10 lakhs was released to the petitioner on 01.07.2022. However, the pending payments 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 representation dated 10.01.2023 (Annexure P-4) followed by legal notice dated 10.03.2023

(Annexure P-5) had been sent by the petitioner and that despite a lapse of more than 2 months since the date of first representation 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 representation/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, Ms. Niharika Sharma, AAG, Punjab, who is present in Court, 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 Executive Officer, Municipal Council, Dharamkot, District Moga, Punjab, is directed to take note of the representation dated 10.01.2023 (Annexure P-4) followed by legal notice dated 10.03.2023 (Annexure P-5) 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 20, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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