

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

135

CWP-6448-2023 (O&M).
Date of Decision: 27.03.2023.

M L Jain Construction Company

.. Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Ankit Midha, 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 admitted payment of Rs.87,66,261/- qua the works executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the work of construction of Government Senior Secondary School at Karewari in District Sonapat and construction of Senior Secondary School at Moi Hooda in District Sonapat. Copies of Memo dated 19.09.2017 and 16.01.2018 regarding the acceptance of bids and notice to proceed with execution of works dated 09.10.2017 and 01.02.2018, respectively have been appended with the present petition as Annexures P-1 to P-4.

Learned counsel for the petitioner contends that the aforesaid works 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. Copies of performance/Completion Certificates have been appended with the present petition as Annexures P-5 and 6 and copies of final bills have been annexed as Annexures P-7 and P-8. He contends that in this regard, letters dated 28.09.2022 (Annexures P-13 and P-17) have been sent by the petitioner and that despite lapse of nearly six months since the date of the letters 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 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, Mr. Vivek Saini, Addl. A.G. Haryana, who is present in Court, accepts notice on behalf of the respondents and he has 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.5 - the Executive Engineer, Provisional Division-1, Public Works Department (Buildings and Roads), Sonapat, is directed to take note of the letters dated 28.09.2022 (Annexures P-13 and P-17) 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 27, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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