

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-8042-2023
Date of decision: 19.04.2023

M/S WAZIR CHAND BANSAL CONTRACTORPetitioner

VERSUS

THE STATE OF PUNJAB AND OTHERSRespondents

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

Present:- Mr. Chirag Girdhar, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1.

Mr. Sanjay Sabharwal, Addl. A.G. Punjab
for respondents No.2 & 3.

Mr. Saurav Verma, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 69,27,922/- including security and bank guarantee qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of Construction of Boundary Wall (including retaining wall) along Village-Balongi and earth filling in deep plots at Gateway City, Sector 118-119, SAS Nagar (Under LOBP Scheme) vide allotment Letter No.PUDA-D.E. (HQ-2)-2020/1866 dated 08.06.2020.

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The petitioner has successfully completed this work on 13.08.2021. The payment of running bills has been released to the petitioner but the payment of final bill amounting to Rs. 5,02,000/- and balance 50% security amounting to Rs. 16,37,722/- has not been released to the petitioner. Learned counsel further submits that the petitioner is also entitled for refund of bank guarantee amounting to Rs. 47,88,200/-, which fell due on 13.09.2022 and the total amount payable to the petitioner comes to Rs. 69,27,922/- which is due to the petitioner.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 10.03.2023 (Annexure P-3) have been sent by the petitioner to the respondent No.4-Divisional Engineer (HQ-2), Punjab Urban Planning & Development Authority, PUDA Bhawan, S.A.S. Nagar, Mohali.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4-Divisional Engineer (HQ-2), Punjab Urban Planning & Development Authority, PUDA Bhawan, S.A.S. Nagar, Mohali is directed to look into Legal Notice dated 10.03.20203 (Annexure P-3) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1.

Mr. Sanjay Sabharwal, Addl. A.G. Punjab accepts notice on behalf of respondents No.2 & 3.

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Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.4.

On the asking of the Court, he accepts notice on behalf of respondents No.4.

Learned counsel appearing on behalf of the respondents have no objection to the aforesaid prayer being allowed.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.4-Divisional Engineer (HQ-2), Punjab Urban Planning & Development Authority, PUDA Bhawan, S.A.S. Nagar, Mohali to examine the grievance espoused by the petitioner in the Legal Notice dated 10.03.2023 (Annexure P-3) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 19, 2023

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No