

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-8290-2023
Date of decision: 21.04.2023

SUBODH CONSTRUCTION COMPANY

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Robin Dutt, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 to 4.

Mr. Vishal Garg, Advocate
for respondents No.5 & 6.

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. 43,97,752/- 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 V.R. Bridge at R.D. 84980 of Nainula Drain dated 11.06.2019. The aforesaid work was successfully completed on 31.10.2022 as per terms and conditions of the agreement but the due payment of Rs. 43,97,752/- has not been released to

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the petitioner. He further contends that various representations were sent by the petitioner for release of the withheld amount including serving of a legal notice dated 20.04.2022 (Annexure P-2). In response thereto respondent No.6, has sent the reply and admitted that due amount of Rs. 43,97,752/- is payable to the petitioner, however, the said amount shall be released as and when the funds are made available from the competent authority.

Respondent No.4-Executive Engineer, Water Services Division, Gohana, District Sonapat has submitted his response to the abovesaid legal notice vide letter No.5500-01 dated 23.06.2022 wherein he has acknowledged the liability to pay the amount in question but has submitted that the funds in question are to be received from the competent authority and the payment shall be made upon receipt of such funds. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1 to 4.

Mr. Vishal Garg, Advocate appears and accepts notice on behalf of respondent No.5 & 6 and has no objection in the event such prayer of the petitioner is being allowed.

Learned counsel appearing on behalf of the respondents No.5 & 6 are unable to dispute factual aspect stated by the Respondent No.4-Executive Engineer, Water Services Division, Gohana, District Sonapat. Hence, the factual aspects stand uncontroverted and undisputed.

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In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to Respondent No.4-Executive Engineer, Water Services Division, Gohana, District Sonapat, to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 21, 2023
Vishal Sharma

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