

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

111

CWP-8890-2023

Date of Decision: 28.04.2023

RAVINDER SINGH

... Petitioner

VERSUS

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 release the balance payment of 5th running bill amounting to Rs.29,65,873/- qua the work of Augmentation of Safe Drinking Water Supply Scheme for village Khunan Khurd, Block Kot Bhai, District Sri Muktsar Sahib executed by the petitioner, alongwith interest @ 8% per annum per Clause 43.1 of the Agreement.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 04.01.2022, the aforesaid work was allotted to the petitioner vide letter No.138 dated 04.01.2022 (Annexure P-1). The petitioner immediately commenced the work and successfully executed the same within stipulated

time period. The payments of four running bills have also been released by the respondents, but the payment qua fifth running bill amounting to Rs.29,65,873/- has been withheld by the respondents without any reason or rhyme. The petitioner sent various letters and representations including the latest one dated 17.01.2023 (Annexure P-3), however, no action has been taken thereupon till date.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of the respondents and prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5- the Superintending Engineer, Water Supply & Sanitation Circle, Sri Muktsar Sahib is directed to consider and decide the representation dated 17.01.2023 (Annexure P-3) in a time bound manner.

Learned State Counsel does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.5 to consider and decide the representation dated 17.01.2023 (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 representation, 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.

Petition stands disposed of accordingly.

28.04.2023
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(VINOD S. BHARDWAJ)
JUDGE

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