

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

121

CWP-8997-2023

Date of Decision: 28.04.2023

M/S GARGA ASSOCIATES

... 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 due payment of Rs.5,65,00,000/- qua the work of Rehabilitation, Renovation and Modernization of Sah Nehar Major Disty lower from RD 0 to 45595 executed by the petitioner, alongwith interest @ 12% per annum.

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 04.01.2023, the aforesaid work was allotted to the petitioner vide Agreement No.01/2023 dated 04.01.2023 for an amount of Rs.7,19,31,179/- and the work was to be completed within three months. It is contended that the petitioner executed the work amounting to Rs.6,05,00,000/- upto 31.03.2023

but only an amount of Rs.40,00,000/- has been paid to the petitioner and remaining amount of Rs.5,65,00,000/- has been withheld by the respondents and has not been released till date. The work in question has also been completed as on date and the final bill is under process. There is no dispute with regard to the successful execution of the work. The petitioner submitted various letters and representations including the representations dated 16.03.2023 and 20.03.2023. Apart therefrom, the petitioner has served a legal notice dated 31.03.2023 (Annexure P-3) upon respondent No.4 but no action has been taken thereupon till date.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of respondents prays for some time to file response, if any.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4- The Executive Engineer, Talwara Canal Division, Water Resources Department, Punjab, Talwara, District Hoshiarpur is directed to consider and decide the legal notice dated 31.03.2023 (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.4 to consider and decide the legal notice dated 31.03.2023 (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