

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-9516-2023
Date of decision: 04.05.2023

ASHISH GUPTAPetitioner

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. Saurav Verma, Advocate
for respondents No.2 to 5.

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. 11,71,774/- including earnest money 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 Repair of machinery, Construction of 2 Nos. Open Urinal and Rising Main in NGM Tarn Taran MC Tarn Taran District Tarn Taran, vide EE No. 1149 dated 22.02.2019 at 13.13% less than the DNIT rates. After allotment of the aforesaid work, the petitioner visited

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the site of work and requested the officials of the respondents to get the work commenced but the petitioner was told that the site is not clear due to forest clearance/approval has not been obtained by respondent No.4. After about 06 months in the month of June, 2019, the petitioner was instructed to commence the work and as such, the petitioner commenced the work in the month of June, 2019. The petitioner procured RCC pipes and dumped the same at site and also laid about 60 mtrs of RCC pipes. However, only after 4-5 days, the Forest Department stopped the petitioner from executing the work on the ground that Head Office of Forest Department has not granted NOC/approval for construction in question. The petitioner is suffering from financial losses due to not providing clear site for completion of work allotted to him. However, the petitioner has sent the final bill by closing the contract but no action was taken thereupon.

It is contended that various representations including Legal Notice dated 23.01.2023 (Annexure P-8) has been sent by the petitioner to the respondent-authorities for release of due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4-the Executive Engineer (C), Punjab Mandi Board, Tarn Taran is directed to look into the Legal Notice dated 23.01.2023 (Annexure P-8) 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 respondent No.1.

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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.2 to 5.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 5 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

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-the Executive Engineer (C), Punjab Mandi Board, Tarn Taran to examine the grievance espoused by the petitioner in the Legal Notice dated 23.01.2023 (Annexure P-8) 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

MAY 04, 2023

Vishal Sharma

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