

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-9501-2023
Date of decision: 04.05.2023

M/S MITTAL BUILDERSPetitioner

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 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. 9,20,929/- 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 Special Repair of Link Roads (Earth Work to Premix Work including Construction of Culverts, Drain, Providing and fixing of roads Structure & Road Safety Measure) MC Dudhan Sadhan District Patiala (Group No.04) Work Code: PTA-21-060 (Repair Programme 2021-2022, Phase-IV, vide allotment letter No. 5500-5504 dated 26.08.2021.

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The petitioner has successfully completed the aforesaid work on 20.05.2022 within stipulated period of 09 months. The payment upto the extent of allotted amount i.e. Rs. 1,14,20,755/- has been released to the petitioner but the balance payment of Rs. 9,20,929/- i.e. qua the enhancement amount has not been released to the petitioner.

It is contended that various representations including Legal Notice dated 23.03.2023 (Annexure P-3) have been sent by the petitioner to the respondent No.4-the Executive Engineer (C), Punjab Mandi Board, Patiala 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, Patiala is directed to look into the Legal Notice dated 23.03.2023 (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 respondent No.1.

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 4.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 4 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

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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, Patiala to examine the grievance espoused by the petitioner in the Legal Notice dated 23.03.2023 (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

MAY 04, 2023
Vishal Sharma

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