

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-11209-2023
Date of decision: 29.05.2023

M/S JAGSON DEVELOPERS

.....Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

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 pending bills and security amount qua the works executed by the petitioner alongwith interest @ 18% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of Construction of Govt. College at Shahbazpur, Distt. Tarn Taran by the respondent No.3 on 09.03.2019 and the petitioner successfully completed the aforesaid work within prescribed time period. The total cost of the work allotted was of Rs. 9,32,37,200/- and the respondent-department released the payment of Rs. 7,91,32,348/- to the

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petitioner company. Whereas the balance amount of Rs. 1,42,62,259/- has not been released to the petitioner till date.

It is contended that various representations has been sent by the petitioner to the respondents-authorities for release of due payment but no action has been taken thereupon by the respondent-department. Thereafter, the petitioner had sent a Legal Notice dated 12.02.2023 (Annexure P-6) to the respondent-authorities for release of due payment despite that no payment has been released in favour of the petitioner.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3-the Executive Engineer, Construction Division No.1, PWD B& R Branch, Tarn Taran, office at Amritsar is directed to look into the Legal Notice dated 12.02.2023 (Annexure P-6) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents and he 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.3-the Executive Engineer, Construction Division No.1, PWD B& R Branch, Tarn Taran, office at Amritsar to examine the grievance espoused by the petitioner in the Legal Notice dated 12.02.2023 (Annexure P-6) and to pass a reasoned and speaking order thereupon within

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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 29, 2023
Vishal Sharma

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