

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-12041-2023 (O&M).
Date of Decision: 30.05.2023.**

PACIFIC ENGINEERS & BUILDERS

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Jagdeep Singh Rana, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the pending payments of the work done as well as the security amount and earnest money of the petitioner i.e. Rs.30,71,722/- along with interest @ 18% per annum.

It is averred that the work of Bus Stand, Abohar, was allotted to the petitioner vide work order dated 10.12.2021 and thereafter, another work for construction of 15m road of Dairy Complex, Abohar, near STP was allotted to the petitioner vide work order dated 15.12.2021.

Learned counsel for the petitioner contends that the aforesaid works stand successfully executed and have also been entered in the measurement book, however, the payment against the execution of the aforesaid works has not been released yet, even though the final bills

submitted by the petitioner already stand approved by the competent authority. He contends that in this regard legal notice dated 10.02.2023 (Annexure P-8) has been sent by the petitioner and that despite a lapse of more than 3½ months since the date of the legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondents No.3 to 5, and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.3 - the Commissioner, Municipal Corporation, Abohar, is directed to take note of the legal notice dated 10.02.2023 (Annexure P-8 sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner

shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

May 30, 2023

raj arora

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No