

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

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**CWP-11712-2023
Date of decision: 29.05.2023**

M/S A K GUPTA CONSTRUCTIONS PVT.LTD

.....Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Ms. Pratula Sethi, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab
for the respondents.

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 interest @ 18% per annum on the amount of final bill of Rs. 14,55,487/-.

Learned counsel appearing on behalf of the petitioner contends that the petitioner has allotted a project of construction of College Bhawan and Extension of Student Holiday Home Building in PU Campus, Sector-14, Chandigarh vide agreement No. 2304/09. The construction of the aforesaid work was completed on 31.01.2014. Thereafter, after the completion of the project, the petitioner raised the final bill of Rs. 14,55,487/- which was passed by the office of the respondent No.5 on 06.05.2015. Thereafter, the

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petitioner requested for release of the due amount. However, the petitioner had approached this Court by filing CWP-26322 of 2021 for seeking directions to the respondent-authorities for releasing of due payment. Vide order dated 22.12.2021 this Court had directed the respondent-authorities to take note of the Legal Notice/claim of the petitioner and decide the same in accordance with law. That due to non-compliance of the aforesaid order, the petitioner approached this Court by filing a contempt petition vide COCP-238/2022 in which notice was issued to the respondents-authorities. In the meanwhile, the respondents issued three cheques dated 13.04.2022 of the payment of the Principal amount of final bill but however the interest on the principal amount which remained due for a period of 07 years was not paid and the same is still outstanding.

It is contended that the petitioner has sent the representation dated 29.05.2020 and 16.07.2021 respectively qua release the interest on principal amount but to no effect. However, the petitioner had sent a Legal Notice dated 21.09.2022 regarding the same but the same has not been replied to till date.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.5-the Executive Engineer, Panjab University, Chandigarh is directed to look into the Legal Notice dated 21.09.2022 and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

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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.5-the Executive Engineer, Panjab University, Chandigarh to examine the grievance espoused by the petitioner in the Legal Notice dated 21.09.2022 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 29, 2023

Vishal Sharma

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