

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CWP-12210-2023
Date of decision: 31.05.2023

ASHOK KUMAR CONTRACTOR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Prince Goyal, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab
for 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 due payment of Rs. 10,00,000/- (approximately) qua the works executed by the petitioner alongwith interest @ 18% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner has been allotted work of New/Reconstruction of Head Regulator of refinery. Minor of taking at RD 420035/L of Kotla Branch vide Work Order No. 43-44, Block No. 73, dated 20.11.2020. The petitioner has successfully executed the work to the satisfaction of the respondent-authorities. Counsel for the petitioner contends that total tender amount of

CWP-12210-2023

-2-

Rs. 34,00,000/- (approx.), the work (including the material supplied) to the tune of Rs. 17,00,000/- (approx) was already executed by the petitioner and only part payment of Rs. 7,00,000/- (approx.) was made to the petitioner but the payment for the execution of the said work amounting to Rs. 10,00,000/- has not been released to the petitioner.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 07.05.2023 (Annexure P-3) has been sent by the petitioner to the respondent No.4-the Executive Engineer, Mansa Canal & Ground Water Division, Department of Water Resources Punjab, Mansa 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, Mansa Canal & Ground Water Division, Department of Water Resources Punjab, Mansa is directed to look into the Legal Notice dated 07.05.2023 (Annexure P-3) 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.4-the Executive Engineer, Mansa Canal & Ground Water Division, Department of Water Resources Punjab, Mansa to examine the

CWP-12210-2023

-3-

grievance espoused by the petitioner in the Legal Notice dated 07.05.2023 (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 31, 2023

Vishal Sharma

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