

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

CWP-12449-2023

Date of Decision: 01.06.2023

M/S J.S.M. Constructions

... Petitioner

Versus

Guru Nanak Dev University Amritsar and others

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of Rs.19,80,000/- including retention money qua the work of Renovation of Toilets Block (Biology, Physics, Chemistry, Arts, Admin. Block, Guru Nanak Bhawan Building) under RUSA 2.0 Component 4: Quality and Excellence in Select State Universities Scheme) of Academic Building within Guru Nanak Dev University Amrtisar, executed by the petitioner alongwith interest @ 12% per annum.

2. Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On

09.03.2020, the aforesaid work was allotted to the petitioner vide Allotment letter No.815/EE dated 09.03.2020.

3. The petitioner immediately commenced the work on 09.03.2020 and successfully completed the same on 30.10.2021 but the balance payment of Rs.15,00,000/- from the final bill and retention money amounting to Rs.4,80,000/- i.e. total amount of Rs.19,80,000/- has not been released till date. The petitioner fulfilled all requisite documentary requirements and also submitted various representations to the respondents but the outstanding amount has not been released by the respondents. Lastly, the petitioner submitted a representation dated 19.12.2022 (Annexure P-4) but no action has been taken by the respondents thereupon till date.

4. Notice of motion.

5. Mr. M.K. Dogra, Advocate accepts notice on behalf of respondents and prays for some time to file response, if any.

6. Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- The Incharge, Construction Division, Guru Nanak Dev University, Amritsar is directed to consider and decide the representation dated 19.12.2022 (Annexure P-4) in a time bound manner.

7. Learned counsel for the respondents does not oppose the prayer made by the learned counsel for the petitioner.

8. Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the competent authority to consider and decide the representation dated 19.12.2022 (Annexure P-4) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the

date of receipt of certified copy of this order.

9. Needless to mention that upon considering the said representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in his favour within a further period of three months.

Petition stands disposed of accordingly.

01.06.2023
ps-I

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*