

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-13937-2023
Date of decision: 05.07.2023

M/S DMR BUILDERS PVT. LTD.

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

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

Mr. Saurav Verma, Addl. A.G. Punjab
for respondents No.1 to 5.

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. 3,22,20,572/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of construction of Shri Guru Gobind Singh Skill Institute (Phase-1) at Shri Chamkaur Sahib, District Rupnagar vide Agreement No. 45/2020-21 and EE No. 554 dated 25.01.2021. The petitioner immediately commenced this work on 25.01.2021. The payment

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of 10 running bill has been released to the petitioner but the payment of 11th running bill amounting to Rs. 3,22,20,572/- has not been released till date. He further contends that various representations were sent by the petitioner for release of the withheld amount including serving of a legal notice dated 19.05.2023 (Annexure P-2).

Respondent No.5-Executive Engineer, Provincial Division, PWD B & R Branch, Mohali, Opposite Police Station, Industrial Area, Phase-1, SAS Nagar, Mohali has submitted his response to the abovesaid Legal Notice vide letter No.5262 dated 05.06.2023 wherein he has acknowledged the liability to pay the amount in question but has submitted that the funds in question are to be received from the competent authority and the payment shall be made upon receipt of such funds. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

Notice of motion restricted to respondents No.1 to 5 at this stage.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents No.1 to 5.

Learned counsel appearing on behalf of the respondents is unable to dispute factual aspect stated by the respondent No.5-Executive Engineer, Provincial Division, PWD B & R Branch, Mohali. Hence, the factual aspects stand uncontroverted and undisputed.

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to

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respondent No.5-Executive Engineer, Provincial Division, PWD B & R Branch, Mohali, to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

The petition is accordingly disposed of.

JULY 05, 2023

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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