

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-14434-2023

Date of Decision: 11.07.2023

M/S DMR BUILDERS PVT. LTD.

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: None 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 make the payment of second running Bill amounting to Rs.66,66,213/- qua the work of installation of New Tube-well, pumping machinery, Construction of USGR 200 cum for Fire Fighting System, Estate Water Supply & Estate Sewer System complete in all respects for proposed Sri Guru Gobind Singh Skill Institute (Phase-1) Sri Chamkaur Sahib, District Ropar, executed by the petitioner, alongwith interest @ 12% per annum.

From the perusal of the petition, it is noticed 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

06.10.2021, the abovesaid work was allotted to the petitioner vide EE No.3743 dated 06.10.2021. The petitioner immediately commenced the work and payment of 1st running bills was also released in favour of the petitioner. Thereafter, the 2nd running bill amounting to Rs.66,66,213/- had been passed and the requisite entries in that regard were made by the respondents in their record. Due and proper adjudication of the work has also not been disputed by the respondents. However, the outstanding payment of the petitioner is not being released by the respondents solely on the ground of non-availability of funds, whereas the respondents have no right to do so. The petitioner approached the respondents for a number of times, but nothing fruitful could be gained. Thereafter, the petitioner submitted numerous representations but of no use. At last, the petitioner served a legal notice dated 12.06.2023 (Annexure P-3) upon respondents No.5 to 7 but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in Court, accepts notice and prays for some time to complete instructions and file response, if any.

However, in the considerate opinion of this Court, it would be appropriate and in the fitness of things if respondent No.5- The Executive Engineer, Water Supply & Sanitation Division, Roopnagar is directed to consider and decide the legal notice dated 12.06.2023 (Annexure P-3) in a time bound manner.

Learned State Counsel does not oppose the same.

Accordingly, in view of the above, with the consent of the learned State Counsel and without commenting anything on the merits of the case, the present petition is disposed of *in absentia* while directing respondent No.5 to consider and decide the legal notice dated 12.06.2023 (Annexure P-3) 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.

Needless to mention that upon considering the said legal notice, 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.

Parties be informed accordingly.

JULY 11, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No