

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-15311-2023
Date of Decision: 20.07.2023

M/S JASBIR INDUSTRIES

... Petitioner

VERSUS

THE STATE OF PUNJAB 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 balance payment of Rs.23,83,397/- qua the work of Prov. & Installing 2 No. New T/wells including construction of pump chamber, Machinery, C.I./D.I. Specials and all other works contingent thereto in Sat Sahib Nagar at Balachaur Town, District S.B.S. Nagar, executed by the petitioner, alongwith future interest @ 12% p.a.

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 29.12.2021, the aforesaid work was allotted to the petitioner vide EE No.6259 dated 29.12.2021. The petitioner immediately commenced the work

and the 1st running bill amounting to Rs.28,83,397/- was passed on 21.03.2023 but only an amount of Rs.5,00,000/- has been paid out of the said amount and the balance payment of Rs.23,83,397/- has not been paid till date. Furthermore, the respondent-Department directed the petitioner not to execute the remaining work due to paucity of funds. Consequently, the petitioner stopped the work, however, the payment of balance amount has not been made till date. The petitioner approached the respondents for a number of times, but nothing fruitful could be gained. Thereafter, the petitioner submitted numerous representations including the latest one dated 30.01.2023 (Annexure P-3) but of no use. The respondents neither responded to the same nor did they make the payment of outstanding amount of the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of the respondents and prays for some time to file response, if any.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.6- The Executive Engineer, Punjab Water Supply & Sewerage Division, Hoshiarpur is directed to consider and decide the representation dated 30.01.2023 (Annexure P-3) in a time bound manner.

Learned Counsel for the respective respondents do not oppose the prayer made by learned counsel for the petitioner.

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 respondent No.6 to consider and decide the representation dated 30.01.2023 (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 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.

JULY 20, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No