

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-15159-2023 (O&M).
Date of Decision: 19.07.2023.

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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of 2nd and final Bill amounting to Rs.1,95,874/- qua the work of providing and installing a new tubewell (in place of failed tubewell) for existing Water Supply Scheme BHAINI in Block Nurpur Bedi, District Rupnagar (under Head 4215-02-10-36-99-53 and 4215-01-789-13-99-53), executed by the petitioner along with future interest @ 12% per annum.

The petitioner claims to be Government Contractor having been assigned the aforesaid work vide allotment letter dated 01.02.2021 (Annexure P-1).

Learned counsel for the petitioner contends that the work of providing and installing a new tubewell (in place of failed tubewell) for existing Water Supply Scheme BHAINI in Block Nurpur Bedi, District

Rupnagar (under Head 4215-02-10-36-99-53 and 4215-01-789-13-99-53), stands successfully executed, however, the due payment of 2nd and final Bill against the execution of the aforesaid works has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a representation dated 10.02.2023 (Annexure P-3) has been sent by the petitioner and that despite a lapse of about 05 months since the date of the representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of the respondents and he has no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.5 - the Executive Engineer, Water Supply and Sanitation Division, Anandpur Sahib, District Rupnagar, is directed to take note of the representation dated 10.02.2023 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

July 19, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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