

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-15339-2023
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 due payment of Rs.38,22,263/- qua the work of Drilling & Development of 1 No. New Tubewell of size 300 mm X 200 mm upto 150 meter depth or where sufficient quantity of potable water is available including temporary water supply, pits, lowering of tube well assembly & shifting of rig material including Pump Chamber and Pumping Machinery complete & providing & laying of 100 mm i/d & 150 mm i/d DIK7 W/S line and all other works contingent thereto near Gurdwara Bauri Sahib W. No.1 Barmala area Nangal District Ropar executed by the petitioner, alongwith future interest @ 12% per annum.

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.8302 dated 29.12.2021. The petitioner immediately commenced the work and executed the same within stipulated time period. The secured advance bill of Rs.13,43,250/- was also paid to the petitioner and thereafter, 1st running bill amounting to Rs.12,52,511/- was passed on 31.05.2022 but its payment has not been released till date. Thereafter, 2nd running bill amounting to Rs.25,51,752/- has also been submitted by the petitioner but its payment has also not been released till date. Apart therefrom, another bill of Rs.18,000/- qua resistivity survey for new installation of tube well was also raised by the petitioner vide invoice No.15 dated 26.08.2022 but the same has also not been paid to the petitioner. Thus, the total outstanding amount comes Rs.38,22,263/-. 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 21.06.2023 (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.

Ms. Niharika Sharma, AAG, Punjab accepts notice on behalf of respondents No.1 to 6 and prays for some time to file response, if any.

Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to accept notice on behalf of

respondent No.7. Hence, he accepts notice on behalf of the said respondent and also prays for some time to complete instructions and file response.

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, Ropar is directed to consider and decide the representation dated 21.06.2023 (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 21.06.2023 (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 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
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No