

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-15981-2023 (O&M).
Date of Decision: 27.07.2023.

M/s Aggarwal Associates

.. 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 refund the security amount of Rs.5,49,302/- qua the work of Special Repair of link roads falling in the jurisdiction of M.C. and Constituency Maur (Earth work to Premix Carpet with Seal Coat including Misc. Works) (1) Pirkot to Rar Upto M.C. Limit (2) B.S.B. Road to Ghaso Khana (3) Mandi Khurd to Harkrishanpura upto M.C. Limit (4) BSBK Road to Kharak Singh Wala via Ghuman Kalan upto Distt. Boundary (5) Thamangarh to Dikh (6) Gehri Bara Singha to Jhanduke upto Talwandi Sabo Halka (7) Maur, Rampura Road to Thamangarh (8) Maur Rampura Road to Ramnagar Phirni via Canal Rest House to Water Works (9) Phirni Maiser Khana (10) Phirni Chanarthal (11) Bhai Bakhtour to Jodhpur Pakhar Upto M.C. Limit (Group No.1) executed by the petitioner alongwith interest @ 12% per annum.

The petitioner claims to be Government Contractor having been assigned the aforesaid work vide allotment letter dated 20.08.2015 (Annexure P-1).

Learned counsel for the petitioner contends that the various works of Special Repair of link roads falling in the jurisdiction of M.C. and Constituency Maur (Earth work to Premix Carpet with Seal Coat including Misc. Works) (1) Pirkot to Rar Upto M.C. Limit (2) B.S.B. Road to Ghaso Khana (3) Mandi Khurd to Harkrishanpura upto M.C. Limit (4) BSBK Road to Kharak Singh Wala via Ghuman Kalan upto Distt. Boundary (5) Thamangarh to Dikh (6) Gehri Bara Singha to Jhanduke upto Talwandi Sabo Halka (7) Maur, Rampura Road to Thamangarh (8) Maur Rampura Road to Ramnagar Phirni via Canal Rest House to Water Works (9) Phirni Maiser Khana (10) Phirni Chanarthal (11) Bhai Bakhtour to Jodhpur Pakhar Upto M.C. Limit (Group No.1), stand successfully executed, however, the due payment 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 legal notice dated 01.07.2023 (Annexure P-3) had been sent by the petitioner which has been duly replied vide reply dated 19.07.2023 (Annexure P-4) by respondent No.5-the Executive Engineer, Construction Division No.2, B & R, Bathinda, admitting the claim of the petitioner, however it has been stated that due to want of fund the payment of balance security amount is still awaited. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the legal notice 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.

Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of the respondents and he has no objection to the aforesaid prayer being granted.

Learned counsel appearing on behalf of the respondents is unable to dispute factual aspect stated by the Executive Engineer, Construction Division No.2, B & R, Bathinda. 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 respondent No.5-The Executive Engineer, Construction Division No.2, PWD, B & R, Bathinda, to release the admitted liability in favour of the petitioner within a period of 08 weeks from the date of receipt of a certified copy of this order.

Petition is disposed of.

July 27, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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