

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

129

CWP-16253-2023
Date of Decision: 31.07.2023

M/S ACS BUILDERS PVT. LTD.

... 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.1,45,00,000/- qua the works executed by the petitioner, alongwith 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 18.09.2019, the work of construction of Indoor and Outdoor Stadium in I.K. Gujral, Punjab Technical University at Kapurthala were allotted to the petitioner vide different allotment letters and agreement and the same was duly completed but the due payment has not been released till date. The details of the works and the amount payable to the petitioner have been duly

given in paragraph No.3 of the petition. It is further submitted that there is no dispute with regard to successful completion of the works and as well as the amount claimed. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a legal notice dated 25.05.2023 (Annexure P-3) upon respondent No.4-Executive Engineer, Construction Division No.1, PWD B & R Branch, Kapurthala but 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 4 and prays for some time to file response, if any.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.5-Punjab Technical University, Kapurthala.

On the asking of the Court, he accepts notice on behalf of respondent No.5-Punjab Technical University, Kapurthala.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-Executive Engineer, Construction Division No.1, PWD B & R Branch, Kapurthala is directed to consider and decide the legal notice dated 25.05.2023 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents does 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.4-Executive Engineer, Construction Division No.1, PWD B & R Branch, Kapurthala to consider and decide the legal notice dated 25.05.2023 (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.

JULY 31, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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