

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

114

CWP-17261-2023
Date of Decision: 09.08.2023

M/S COMPETENT CONSTRUCTIONS

... Petitioner

VERSUS

THE PUNJAB HERITAGE AND TOURISM
PROMOTION BOARD 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.15,84,42,499/- 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 it from time to time and there has never been any complaint against the works executed by the petitioner. It is further contended that a number of works were allotted to the petitioner, which have been duly completed. The payment of running bills of these works has been released to the petitioner but the payment of final bill has not been released till date. The details of these works and the due amount payable to the petitioner has been given in tabulated form in paragraph No.2 of the petition. The petitioner has executed all the works to the satisfaction of the respondents and

the defect liability period has also elapsed. However, the due and outstanding payment qua the said works has not yet been released to the petitioner. He further contends that the petitioner visited the office of the respondent No.3 on a number of occasions but the respondents did not release the amount in question. Further, the petitioner made several representations followed by a legal notice dated 10.07.2023 (Annexure P-4) which has recently been served upon the respondent No.3 but no action has been taken thereupon till date.

Notice of motion.

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 the respondents. Hence, he accepts notice on behalf of the respondent and 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.3-The Executive Engineer, Punjab Heritage & Tourism Promotion Board, Plot No.3, Sector 38-A, Opposite Dainik Bhaskar, Chandigarh is directed to consider and decide the legal notice dated 10.07.2023 (Annexure P-4) in a time bound manner.

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

Accordingly, in view of the above and 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.3 to consider and decide the legal notice dated 10.07.2023 (Annexure P-4) 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 favour of the petitioner within a further period of three months.

AUGUST 09, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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