

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

120

CWP-17865-2023 (O&M).

Date of Decision: 18.08.2023.

M/S ASC 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of Rs.4,30,59,588/- qua the work of Construction of Central Sudhar Ghar at Goindwal Sahib, District Tarn Taran, executed by the petitioner along with interest @ 12% per annum.

The petitioner claims that the work of Construction of Central Sudhar Ghar at Goindwal Sahib, District Tarn Taran, was allotted to the petitioner vide EE No.1465 dated 01.03.2019 and an agreement No.11 of 2018-19 was also executed between the petitioner and respondent No.5.

Learned counsel for the petitioner contends that the aforesaid work of Construction of Central Sudhar Ghar at Goindwal Sahib, District Tarn Taran, allotted to the petitioner stand successfully executed, however,

the payment against the execution of the aforesaid work 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, representation dated 13.06.2022 (Annexure P-4) followed by subsequent representation dated 06.02.2023 (Annexure P-5) has been sent by the petitioner and that despite a lapse of more than 01 year and 01 month since the date of the first 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 representations 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 asking of the Court, Ms. Anju Sharma Kaushik, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents and she 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, Construction Division No.1, Punjab PWD B & R Branch, Tarn Taran at Amritsar, is directed to take note of the representation dated 13.06.2022 (Annexure P-4) followed by subsequent representation dated 06.02.2023 (Annexure P-5) 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.

August 18, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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