

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

119

CWP-17855-2023 (O&M).
Date of Decision: 18.08.2023.

M/S J.K. INFCON 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.84,74,396/- including security qua the works executed by the petitioner along with interest @ 12% per annum.

It is averred that various works were allotted to the petitioner and one of the work order dated 20.11.2018 has been appended with the present petition as Annexure P-1. The details of the works and the balance amount/security are as under:-

Sr. No.	Details of the Works	Amount Payable
1	Laying BM & PC in streets of Area Dairy Complex Haibowal Ward No.28 Work Order No.G-33 No.58/EED dated 20.11.2018. Date of Completion: 20.03.2019	Security Rs.7,39,910/-

2	Construction of Main Rahon Road from Jodhewal Basti Chowk up to Sewa Kendra of MC limit W.No.7. Work Order No.G-33 No.54/EED dated 30.03.2021 Date of Completion:30.09.2021	Balance payment of 4 th & final bill Rs.42,41,155/- Security deducted from the bills Rs. 14,99,338/-
3	Laying SDBC on road from Ferozepur Road to Malhar Road via Durga Mata Mandir & Guru Nanak Public School Sarabha Nagar Ward No.75. Work Order No.G-33 No.02/EED dated 12.05.2020. Date of Completion:18.07.2020	Security Rs.7,62,138/-
4	Laying SDBC in streets of Model Town Extension Block-C (Ward-46) and Laying SDBC on main circular road (Ward-46) Work Order No.G-33 No.49/EED dated 21.08.2021 Date of Completion:20.11.2021	Security Rs.12,31,855/-
	Grant Total	Rs.84,74,396/-

Learned counsel for the petitioner contends that the aforesaid works stand successfully executed and, however, the 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 21.07.2023 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than 1 month since the date of the legal notice 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 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.

Ms. Anju Sharma Kaushik, DAG, Punjab, accepts notice on behalf of respondents No.1 and 2/State and 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 and accepts notice on behalf of respondent No.3 and they have 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.3 - the Executive Officer, Municipal Corporation, Rampura Phul, is directed to take note of representation dated 28.04.2023 (Annexure P-3) followed by subsequent representation dated 27.05.2022 (Anexure P-4) 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.

June 01, 2023

(VINOD S. BHARDWAJ)

raj arora

Whether speaking/reasoned

Whether reportable

JUDGE

: Yes/No

: Yes/No