

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-18111-2023 (O&M).
Date of Decision: 21.08.2023.**

M/s R.K. Engineers

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Tajinder Pal Singh Makkar, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to make the payment of Rs.35.50 lakhs (which includes a security amount of Rs.21 lakhs deducted at the time of making the payment of bills to the petitioner) on account of various works executed by the petitioner along with interest @ 12% per annum.

It is averred that the work for construction of concrete lining from RD 0 to 22500 of 1-R Disty off taking from BML Canal at RD 148666/R1 (slice 1 RD 0 to 3750) was allotted to the petitioner vide work Order No.45 dated 22.10.2021 (Annexure P-3). Similarly, work of

construction of concrete lining from RD 0 to 22500 of 1-R Disty off taking from BML Canal at RD 148666/R (slice 2 RD 3750 to 7000) was allotted to the petitioner vide work Order No.46 dated 22.10.2021 (Annexure P-5). It is further averred that work of construction of concrete lining from RD 57000 to 61500 of Arnauli Distributory was allotted to the petitioner vide work Order No.51 dated 27.12.2021 and work of construction of concrete lining from RD 61500 to 66250 of Arnauli Distributory was allotted to the petitioner vide work Order No.52 dated 27.12.2021 (Annexure P-9). Copies of running bills have also been appended with the present petition as Annexures P-4, P-6 to P-10 and P-12.

Learned counsel appearing for the petitioner contends that the aforesaid works stand successfully executed, however, the payment against the execution of the aforesaid works has not been released, even though the final bills submitted by the petitioner already stand approved by the competent authority. He further contends that in this regard, a representation dated 10.04.2023 (Annexure P-13) has been sent by the petitioner and that despite a lapse of more than four months since the date of representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He contends that he would be satisfied in case the respondent authorities are directed to look into the representation 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. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1, 2 and 4 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 respondent No.2 - the Executive Engineer, Devigarh Division (I.B.), BML, Patiala, District Patiala, is directed to take note of the representation dated 10.04.2023 (Annexure P-13) sent by the petitioner and to pass a 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 21, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No