

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

125

CWP-19314-2023 (O&M).
Date of Decision: 01.09.2023.

SATISH KUMAR

.. Petitioner

Versus

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K.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 pay due compensation amounting to Rs.38,16,665/- under Force Majeure Clause 25 (b) of the agreement qua the work of collection of toll/user fee and operation and maintenance of Toll Plazas on Kalyan Toll Plaza at Km. 10.950 and Moharana Toll Plaza at Km 45.300 of Patiala Nabha Malerkotla road in District Patiala along with interest @ 8% per annum.

The petitioner claims to be Government Contractor having been assigned the aforesaid work of collection of toll/user fee and operation and maintenance of Toll Plazas on Kalyan Toll Plaza at Km. 10.950 and

Moharana Toll Plaza at Km 45.300 of Patiala Nabha Malerkotla road in District Patiala vide Memo No.1672 dated 13.07.2020 (Annexure P-1).

Learned counsel for the petitioner contends that during the course of farmer's agitation, there was complete chaos and the collection of toll was completely disrupted w.e.f. 09.10.2020 reducing the same to absolutely nil. Vide Memo No.58 dated 12.05.2021 sent by respondent No.5-the Sub Divisional Engineer, the petitioner was asked to submit the supporting documents with regard to the expenditure which were duly supplied vide letter dated 01.06.2021 (Annexure P-2). Thereafter, the petitioner sent numerous representation, however, the assessed compensation has not been released.

Learned counsel for the petitioner contends that in this regard, in continuation of earlier representation, a fresh representation dated 10.04.2023 (Annexure P-6) has been sent by the petitioner and that despite a lapse of more than 03 month since the date of the last representation neither any decision has been taken thereupon nor has the due and undisputed assessed 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 representation and the grievance espoused by the petitioner and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of the respondents and he 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.4 - the Executive Engineer, Provincial Division No.2, PWD B&R Branch, Patiala, is directed to take note of the representation dated 10.04.2023 (Annexure P-6) 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.

September 01, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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