

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

119

CWP-18684-2023
Date of Decision: 25.08.2023

M/S A.J. BUILDERS & CONTRACTORS

..... 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 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.8,55,735/- including security 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 him from time to time and there has never been any complaint against the works executed by the petitioner. On 22.02.2019, the work of Construction of Panchkarma Block in Govt. Ayurvedic Hospital Patiala was allotted to the petitioner vide Memo No. 4318 dated 22.02.2019. It is further submitted that there is no dispute with regard to successful completion of the works and as well as the amount claimed but the due amount of Rs. 8,55,735/- including security has not been

released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a legal notice dated 21.07.2023 (Annexure P-3) upon respondent No.5-Executive Engineer, Provincial Division No.1, PWD B & R Branch, Patiala but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-Executive Engineer, Provincial Division No.1, PWD B & R Branch, Patiala is directed to consider and decide the legal notice dated 21.07.2023 (Annexure P-3) in a time bound manner.

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

Accordingly, in view of the above, 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.5-Executive Engineer, Provincial Division No.1, PWD B & R Branch, Patiala to consider and decide the legal notice dated 21.07.2023 (Annexure P-3) 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 his favour within a further period of three months.

Petition stands disposed of accordingly.

AUGUST 25, 2023

Vishal sharma

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*