

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

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**CWP-22367-2023
Date of Decision: 05.10.2023**

R.R.CONTRACTORS

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Onkar Singh Batalvi, 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 as well as security amount and earnest money qua the works executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner was allotted work of construction of new streets in various Mohalla areas at Ward No.1 of Batala. The bill amount of the above said work was Rs. 21,13,573/- and Rs. 3,15,125/- which was passed and verified by the respondents. However, the said payment was stopped by the respondent-department. At the time of allotment of above said work, the petitioner had also deposited security amount of Rs. 17,86,316/- with the respondent-department as per the terms and conditions, for which petitioner just got

refund of Rs. 4,86,316/-, whereas Rs. 13,00,000/- is still outstanding with respondent-department. However, the total outstanding payment including security comes to Rs. 37,28,698/-. Since the petitioner did not received due payment some of the minor work was stopped by him. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations including latest representation dated 15.07.2023 (Annexure P-4) upon respondent No.2-the Municipal Commissioner, Batala, District Gurdaspur but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.2 and 3-Municipal Commissioner, Batala, District Gurdaspur.

On the asking of the Court, he accepts notice on behalf of respondents No.2 and 3-Municipal Commissioner, Batala, District Gurdaspur.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2-Municipal Commissioner, Batala, District Gurdaspur is directed to consider and decide the representation dated 15.07.2023 (Annexure P-4) 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.2-Municipal Commissioner, Batala, District Gurdaspur to consider and decide the representation dated 15.07.2023 (Annexure P-4) 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.

OCTOBER 05, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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