

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

126

CWP-19019-2023  
Date of Decision: 29.08.2023

M/S KARANVIR SINGH SAINI GOVT. CONTRACTOR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

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Present: Mr. R.K. Girdhar, Advocate  
for the petitioner.

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**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.7,65,008/- qua the work of Construction of Boundary Wall and allied work at 10 Mtr. Shooting Range, Mohali executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. On 29.12.2021, the abovesaid work was allotted to the petitioner vide allotment letter No.4101 for an amount of Rs.77,53,103/-. The petitioner immediately commenced the work and payments of 1<sup>st</sup> and 2<sup>nd</sup> running bills have also been released in favour of the petitioner. However, it is submitted that the respondents got the work executed only for an amount of Rs.32,40,404/- and

the remaining work could not be executed as possession of the remaining site was with Soil Conservation Department. Even the period of completion of work was extended upto 15.12.2022; but still the work could not be completed within the extended time also. Hence, the project completion report has also been prepared and it has been reported by the respondents that the work has been completed by the concerned contractor. It is further contended that an amount of Rs.1,58,659/- is outstanding against the 3<sup>rd</sup> and final bill and apart therefrom, the petitioner is also entitled for refund of EMD/Security amount of Rs.1,55,000/-. Furthermore, out of total work amounting to Rs.77,53,903/-, the respondents got executed the work only for an amount of Rs.32,40,404/- and the remaining work of Rs.45,13,499/- has not been got executed, therefore, 10% contractor's profit is also admissible to the petitioner for the remaining unexecuted work, which comes to Rs.4,51,349/-. Thus a total amount of Rs.7,65,008/- is due to the petitioner, which has not been released by the respondents without any genuine reason or cause. The petitioner submitted a number of representations including the representation dated 05.07.2023 (Annexure P-4); but the respondents have neither made the payment nor did they take any action on the said representation.

Ms. Niharika Sharma, AAG, Punjab accepts notice on behalf of respondent No.1 and prays for some time to complete instructions and file response, if necessary.

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 accept notice on behalf of respondents No.2 to 4. Hence, he accepts notice on behalf of the said

respondents and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.3-The Executive Engineer (Civil) Punjab State Sports Council, Hockey Stadium, Phase -9, SAS Nagar, Mohali is directed to consider and decide the representation dated 05.07.2023 (Annexure P-4) in a time bound manner.

Both the learned counsel for respective respondents do not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.3 to consider and decide the representation dated 05.07.2023 (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 representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

Petition stands disposed of accordingly.

29.08.2023  
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(VINOD S. BHARDWAJ)  
JUDGE

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