

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

120

CWP-18987-2023
Date of Decision: 29.08.2023

M/S SHREE KRISHNA CONSTRUCTION CO.

... Petitioner

VERSUS

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 instituted under Articles 226/227 of the Constitution of India, 1950 for seeking issuance of a writ in the nature of Mandamus directing the respondents to release the balance payment of Rs.12,29,941/- qua the work of repair/construction of various link roads (brick on end edging to premix carpet including construction of culverts, providing an fixing of roads structure) Assembly Constituency Gidderbaha District Sri Muktsar Sahib, Work Code No.MKS-21-164 alongwith interest @ rate of 12% per annum.

Learned counsel for the petitioner contends that the aforesaid work was allotted to the petitioner vide EE NO.12762 dated 23.12.2021. The petitioner immediately commenced the work on 23.12.2021 and the payments of 1st and 2nd running bills have also been released to the petitioner and this work has also been completed by the petitioner on 25.10.2022. Thereafter, the 3rd and final bill amounting to Rs.23,88,203/- has also been passed on 25.10.2022 and some of the payment has been released to the petitioner on

05.01.2023 but the balance payment of Rs.12,29,941/- has not been released on account of non-availability of funds, which were to be provided by respondent No.4. Thereafter, the petitioner visited the offices of the respondents on a number of occasions for seeking release of his balance payment. It is further submitted that even though the petitioner was apprised that the payment in question has been sanctioned; however, the payment in question has not been released till date without any reasonable cause. The petitioner submitted a number of representations followed by a legal notice dated 21.07.2023 served upon respondents No.3 and 4; but neither any action has been taken by the respondents on the said legal notice nor has the payment been made till date. It is, however, submitted that after serving the legal by the petitioner, respondent No.3 had written a letter to respondent No.4 admitting the claim of the petitioner and recommending for release of funds, so that the balance payment of Rs.12,29,941/- can be made to the petitioner. As such, it is evident that the respondents have categorically admitted the claim of the petitioner; but have not release the outstanding dues in favour of the petitioner till date.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondent No.1 and prays for some time to file reply.

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 and 3. Hence, he accepts notice on behalf of the said respondents and also prays for some time to complete instructions and file response.

Similarly, Mr. Sanjay Sabharwal, 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 respondent No.4. Hence, he accepts notice on behalf of the said respondent and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4- the Executive Officer, Municipal Council, Gidderbaha, District Sri Muktsar Sahib is directed to release the admitted payment of Rs.12,29,941/- in a time bound manner.

Heard.

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to respondent No.4- the Executive Officer, Municipal Council, Gidderbaha, District Sri Muktsar Sahib to release the admitted liability in favour of the petitioner within a period of three months from the date of receipt of certified copy of this order.

So far as the claim of petitioner qua interest on delayed payment is concerned, the petitioner would be at liberty to take recourse to the alternative remedies that are available to him for redressal of his grievance in accordance with law.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

29.08.2023
rajender

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