

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-19468-2023
Date of Decision: 04.09.2023

TARUN BANSAL CONTRACTOR

..... 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.40,42,013/- 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 17.08.2022, the work of Providing and Laying 80mm thick pavers on 80 feet wide road of Ranjit Avenue Phase-II, Village Rania, Ludhiana was allotted to the petitioner vide Allotment Letter No.DE(C-1) GLADA/2022/1174 dated 17.08.2022 for an amount of Rs. 62,53,133/- with time period of four months. 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 payment of 3rd running bill amounting to Rs.27,97,013/- and 4th & final bill amounting to Rs.6,25,000/- including security amount of Rs.6,20,000/- i.e. total sum of Rs.40,42,013/- 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 01.08.2023 (Annexure P-3) upon respondent-authorities 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 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 5. 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, however, submits that at this juncture, he would be satisfied if respondent No.5-the Divisional Engineer (C-1), Greater Ludhiana India Development Authority (GLADA), GLADA Complex, Ferozepur Road, Ludhiana is directed to consider and decide the Legal Notice dated 01.08.2023 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents do 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-the Divisional Engineer (C-1), Greater Ludhiana India Development Authority (GLADA), Ferozepur to consider and decide the Legal Notice dated 01.08.2023 (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.

04.09.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No