

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

278

**CWP-23329-2023
Date of decision: 07.02.2023**

M/S PARDUMAN SINGH AND CO.

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Chirag Girdhar, Advocate
for the petitioner.

Mr. Niharika Sharma, AAG, Punjab
for respondents No.1, 2 & 4.

Mr. Sahil Kumar, Advocate for
Mr. Nitin Kaushal, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 19,34,708/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted various works vide different work orders on 28.09.2019. The petitioner completed the aforesaid works within stipulated period in the month of March, 2021. The first and final bills of the above

said works were duly passed but 10% security and another 10% amount from these bills was withheld.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 10.08.2022 (Annexure P-3) has been served by the petitioner to the respondent No.3-Executive Engineer, Municipal Council, Mukerian, District Hoshiarpur for release of due payment.

Respondent No.3-Executive Engineer, Municipal Council, Mukerian, District Hoshiarpur has submitted his response to the abovesaid legal notice vide letter No.1814 dated 21.09.2022 wherein it was stated that as and when the Municipal Council, Mukerian will received Second Instalment under the Scheme 10% retention money of Rs. 967354/- will be released to M/s Paduman Singh & Co but the amount of Security Rs. 967354/- deduced can be released after the Technical and Financial Audit done by Third party Audit Team engaged by the Government for Phase-II works. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

Learned counsel appearing on behalf of the respondents are unable to dispute factual aspect stated by the Respondent No.3-Executive Engineer, Municipal Council, Mukerian, District Hoshiarpur. Hence, the factual aspects stand uncontroverted and undisputed.

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.3-Executive Engineer, Municipal Council, Mukerian,

District Hoshiarpur, to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 07, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No