

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

123

CWP-20456-2023
Date of Decision: 15.09.2023

GURCHARAN SINGH CONTRACTOR

... 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 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of Rs.55,33,798/- including security qua certain works of Water Supply Schemes 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. During the year 2016, certain works of Water Supply Schemes were allotted to the petitioner and the same have been duly completed by the petitioner but the balance payment and security of these works has not been released till date. The details of the works executed and the amounts due qua them are given in tabulated form in paragraph No.2 of the petition. The petitioner completed the allotted works to the complete satisfaction of the respondents and the defect

liability period has also expired. However, the balance payment qua the same as well as the amount of security has not been released till date. He further contends that the petitioner visited the office of the respondents on a number of occasions but the respondents did not release the amount in question. Further, the petitioner made several representations followed by a legal notice dated 03.07.2023 (Annexure P-3) which has recently been served upon respondent No.4. It is, however, submitted that after serving the legal notice by the petitioner, respondent No.4 has sent a reply dated 24.07.2023 (Annexure P-4) to the said legal notice wherein he admitted the claim of the petitioner and further informed that the final bills against the works executed by the petitioner have already been prepared and submitted to the higher authorities of DWSS for release of funds against the pending liabilities. As such, it is evident that the respondents have categorically admitted the claim of the petitioner; but have not released the outstanding dues in favour of the petitioner till date.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4- The Executive Engineer, Punjab Water Supply & Sanitation Division, Fazilka, District Fazilka is directed to release the admitted payment 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 Engineer, Punjab Water Supply & Sanitation Division, Fazilka, District Fazilka 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.

SEPTEMBER 15, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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