

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

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CWP-20168-2023
Date of Decision: 13.09.2023

ASHOK KUMAR CONTRACTOR

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Rajesh Kumar 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.34,49,172/- 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 03.01.2019, the work of Construction of Bridge at RD 403850 of Bathinda Branch was allotted to the petitioner vide allotment letter No.130-34 dated 03.01.2019 for an amount of Rs.2,48,09,621/-. However, the revised estimate of this work was enhanced to Rs. 2,81,42,962/- vide No.569/2-Canals dated 27.01.2021. 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 balance payment of 4th and final bill i.e. total sum of Rs.34,49,172/- 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 11.08.2023 (Annexure P-3) upon respondent No.4-the Executive Engineer, Bathinda Canal Division, Bathinda but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-the Executive Engineer, Bathinda Canal Division, Bathinda is directed to consider and decide the Legal Notice dated 11.08.2023 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents does 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.4-the Executive Engineer, Bathinda Canal Division, Bathinda to consider and decide the Legal Notice dated 11.08.2023 (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.

SEPTEMBER 13, 2023

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*