

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

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**CWP-20627-2023
Date of Decision: 18.09.2023**

INDRAJ SINGH

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

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

Present: None.

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 payment of final bill i.e. Rs. 4,95,018/- and Earnest Money Deposit/security amounting to Rs. 4,00,000/- qua the work/contract of “Construction of 1 No.RCC Collection Tank for raw water with pump chamber supply, erection of pumping machinery”, executed by the petitioner alongwith interest @ 18% per annum and a further prayer to seek compensation to the tune of Rs. 10,00,000/- for unnecessary delay for releasing the arrear and further prayer to direct the Public Health Engineering, Division Charkhi Dadri to decide the representation/Legal Notice (Annexure P-5) in a time bound manner.

From the perusal of the petition, it is noticed that the petitioner was allotted various work vide office order dated 04.01.2018 (Annexure P-1).

The petitioner completed his work within time and full satisfaction of the monitoring incharge and submitted all the bills with the Department. However, the respondent-department did not release the payment of final bill i.e. Rs. 4,95,018/- and also an amount of Rs. 4,00,000/- in lieu of Earnest Money Deposit and security have not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be gained. Thereafter, the petitioner submitted numerous representations but of no use. At last, the petitioner served a legal notice dated 29.03.2023 (Annexure P-5) upon respondent-authorities but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

However, in the considerate opinion of this Court, it would be appropriate and in the fitness of things if respondent No.3- The Executive Engineer, Public Health Engineering Division No.3, Charkhi Dadri is directed to consider and decide the legal notice dated 29.03.2023 (Annexure P-5) in a time bound manner.

Taking into consideration, without commenting anything on the merits of the case, the present petition is disposed of *in absentia* while directing respondent No.3- The Executive Engineer, Public Health Engineering Division No.3, Charkhi Dadri to consider and decide the legal notice dated 29.03.2023 (Annexure P-5) 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.

Parties be informed accordingly.

SEPTEMBER 18, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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