

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

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**CWP-20593-2023
Date of Decision: 18.09.2023**

M/S PACIFIC ENGINEERS AND BUILDERS

... Petitioner

VERSUS

THE STATE OF PUNJAB 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 security amount of Rs.9,70,531/- qua the work of Construction of D.L.E.T Building at Village Cheema, Jodhpur, District Barnala, executed by the petitioner, alongwith interest @ 18% per annum.

From the perusal of the petition, it is noticed 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 29.04.2020, the abovesaid work was allotted to the petitioner vide EE No.189 dated 29.04.2020 (Annexure P-1). The petitioner immediately commenced the work and successfully completed the same on 15.01.2022, but balance payment of the bills has not been released. The petitioner filed CWP-17862-2022 which was disposed of with a direction to respondent No.5 to decide the

representation submitted by the petitioner within three months and in case, the petitioner is found entitled to the payment then the same be released alongwith interest @ 6% per annum. This order was not complied with and as such, the petitioner filed COCP No.222 of 2023 and thereafter, the due payment of bills has been released to the petitioner. Though payment of the work executed by the petitioner has been released but the pending securities of Civil and Public Health Works has not been released to the petitioner. The petitioner is entitled for refund of 50% security amount to Rs. 8,40,797/- of civil works and 100% security amounting to Rs. 1,29,734/- of Public Health Works which total comes to Rs. 9,70,531/-. 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 18.08.2023 (Annexure P-3) upon respondent No.3 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.5- The Executive Engineer, Construction Division, PWD (B&R) Branch, Barnala is directed to consider and decide the legal notice dated 18.08.2023 (Annexure P-3) 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.5- The Executive Engineer, Construction Division, PWD (B&R) Branch, Barnala to consider and decide the legal notice dated 18.08.2023 (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.

Parties be informed accordingly.

SEPTEMBER 18, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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