

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

107

CWP-21081-2023 (O&M).
Date of Decision: 21.09.2023.

M/S DMR BUILDERS PVT. LTD

.. 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of 12th running bill amounting to Rs.3,73,63,762/- qua the work of Construction of Shri Guru Gobind Singh Skill Institute (Phase-I) at Shri Chamkaur Sahib, District Rupnagar, executed by the petitioner along with future interest @ 12% per annum.

The petitioner claims to be Government Contractor having been assigned the aforesaid work vide allotment letter dated 25.01.2021 (Annexure P-1).

Learned counsel for the petitioner contends that the work of Construction of Shri Guru Gobind Singh Skill Institute (Phase-I) at Shri Chamkaur Sahib, District Rupnagar, stands successfully executed, however, the due payment against the execution of the aforesaid works has not been released yet, even though the final bills submitted by the petitioner already

stand approved by the competent authority. He contends that in this regard, a legal notice dated 19.08.2023 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than 01 month since the date of the legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of the respondents and he has no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.5 - the Executive Engineer, Provincial Division, PWD (B&R) Branch, Mohali, Opposite Police Station, Industrial Area, Phase-I, S.A.S. Nagar, Mohali, is directed to take note of the legal notice dated 19.08.2023 (Annexure P-4) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner

shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

September 21, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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