

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

110

CWP-21316-2023
Date of Decision: 25.09.2023

CREATIVE VISION

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Vivek Aggarwal and Ms. Anuradha,
Advocates 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 respondent No.4 to release the due payment of Rs.20,90,430.36/- for the work of providing false ceiling and stage furnishing of multipurpose hall in Government College at Badhra in Provincial Division, PWD B&R Branch, Charkhi Dadri, District Charkhi Dadri alongwith interest from the due date.

Learned counsel for the petitioner contends that the petitioner is a Government approved contractor and has executed various works assigned to the petitioner by the respondent-Department. It is averred that respondent No.4, vide letter No.50060 dated 10.03.2019, instructed/directed the petitioner to accomplish the abovementioned work with a contract price of Rs.1,17,62,369/-. Accordingly, the petitioner commenced the work w.e.f. 25.03.2019 and completed the work on 15.09.2020 as per the satisfaction of the respondents. No

objection whatsoever, has ever been raised by the respondents qua the said work. It is further averred that during the work, the petitioner was asked to do extra works also, which were done by the petitioner, resulting in increase of the contract money to 1,37,60,688.44/- and qua the work a contract has been executed between the parties. It is further submitted that during the currency of the said work, the respondent-Department made the payments of three running bills and after completion of the entire work, the petitioner submitted the 4th and final bill of Rs.20,90,430.36/- including security etc. but the respondent-department did not release the said payment till date and have withheld the same without any reason or rhyme. The petitioner made several requests to the respondents, but of no avail. The petitioner submitted a representation dated 08.06.2021 and emails dated 05.08.2021, 06.06.2022 and 29.06.2023 (Annexures P-3 to P-6); but the respondents did not take any action thereupon till date.

Notice of motion.

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

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if respondent No.4 – Superintending Engineer (Employer), Bhiwani Circle, PWD (B&R) Branch, Bhiwani is directed to consider and decide the representation dated 08.06.2021 (Annexure P-3) in a time bound manner.

The learned State Counsel does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and 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 to consider and decide the representation dated 08.06.2021 (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 representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

SEPTEMBER 25, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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