

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

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**CWP-21631-2023
Date of Decision: 27.09.2023**

CHARANJEET SINGH CHEEMA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. 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.14,29,983/- including security qua the work of periodical repair of Satnarayan Mandir to Kachehri Chowk to Ramneek Chowk (KODR-29) in District Kapurthala 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 11.06.2021, the abovementioned work was allotted to the petitioner vide EE No.382 dated 11.06.2021. The petitioner immediately commenced the work and successfully completed the same till 10.10.2021. The payment of 1st running bill has been released by the respondents, however, the payment of 2nd and final running bill as well as the security amount has not been released till date. The

total outstanding amount comes to Rs.14,29,983/-, which has been withheld by the respondents without any valid reason. The petitioner made several requests to the respondents to release the aforesaid amount but all in vain. Lastly the petitioner got served a legal notice dated 04.09.2023 (Annexure P-3); but the respondents have neither taken any action thereupon nor did they make the payment of outstanding amount.

Notice of motion.

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

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if respondent No.5 –The Executive Engineer, Construction Division No.1, PWD B&R Branch, Kapurthala is directed to consider and decide the legal notice dated 04.09.2023 (Annexure P-3) in a time bound manner.

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.5 to consider and decide the legal notice dated 04.09.2023 (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 favour of the petitioner within a further period of three months.

Petition stands disposed of accordingly.

SEPTEMBER 27, 2023

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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No