

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

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**CWP-22341-2023
Date of Decision: 05.10.2023**

M/S RUDRAKSH CONSTRUCTION

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Anil Kumar Sharma, 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 admitted payment of Rs.10,39,395/- qua the works executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner was allotted work related to the construction of Sports Infrastructure in Government ITI at Village Rasulpura, Block Morinda, District Rupnagar, vide office Memo No. 4604 dated 06.12.2021 for Rs. 174.17 lacs. The petitioner firm deployed full fledged resources and procured material at work site in order to complete the work, however, the execution of the work got delayed on account of failure on the part of department to hand over the clear sites, approved plans, drawings and designs. Thereafter, a letter from

Executive Engineer has been received by the petitioner whereby, the decision has been taken to stop the work on the basis of the decision of Government of Punjab and to cancel the execution of allotted work. The petitioner suffered financial losses on account of loss of profit at the rate of 15% of the balance value of unexecuted work. The petitioner submitted the final bill of Rs. 39,30,344/- with the respondent department in the month of July, 2022. The respondent-authorities failed to release payment of Rs. 39,30,344/- alongwith interest @ 18% per annum. Thereafter, petitioner submitted the representation dated 13.04.2023 and notice dated 04.07.2023 for release of payments for the work.

In reply to the notice dated 04.07.2023, the respondents admitted the payment of Rs. 10,39,395/- for the work executed by the petitioner. However, the admitted payment has also not been released to the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents.

Learned counsel appearing on behalf of the respondents is unable to dispute factual aspect stated by the Respondent No.4- Executive Engineer, Construction Division No.1, PWD, B & R Branch, Mohali. Hence, the factual aspects stand uncontroverted and undisputed.

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to Respondent No.4- Executive Engineer, Construction Division No.1, PWD, B & R Branch, Mohali, to release the admitted liability in favour of the

petitioners within a period of three months from the date of receipt of a certified copy of this order.

The petition is accordingly disposed of.

OCTOBER 05, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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