

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

110

**CWP-22305-2023
Date of Decision: 05.10.2023**

ANKIT BANSAL

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Chirag 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.5,33,167/- qua the works executed by the petitioner, 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 10.11.2021, the work of New Construction of various Link Roads for the year 2021-22 falling under M.C. Amloh, Group No.2 was allotted to the petitioner vide Allotment letter No. 5425 dated 10.11.2021 for an amount of Rs. 1,68,08,352/-. The petitioner has successfully completed the aforesaid work except the work of Ghollu Majra to Bhagwanpura Road for an amount

of Rs. 48,49,000/- due to dispute raised by the residents of the area. Due to said dispute, the Department instructed the petitioner not to execute this part of the road to the extent of 750 mtrs. On the other hand, the respondent-department has wrongly levied liquidated damages of Rs. 3,36,167/- against the petitioner on the ground of delay in executing the work. The petitioner has successfully executed the work within the extended period i.e. 30.06.2023 and as such, the liquidated damages imposed against the petitioner are liable to be waived off and the petitioner is entitled to refund of Rs. 3,36,167/-. Apart from this, the remaining work of 750 meter road of Ghollu Majra to Bhagwanpura amounting to Rs. 19,70,000/- was not got executed from the petitioner by the respondent-department and as such, the petitioner is also entitled for 10% contractor's profit. Meaning, thereby the total amount payable to the petitioner comes to Rs. 5,33,167/- but the due amount has not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a Legal Notice dated 11.08.2023 (Annexure P-4) upon respondent No.5-the Executive Engineer, Construction Division, PWD (B & R) Branch, Sirhind, District Fatehgarh Sahib but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

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

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-the Executive Engineer,

Construction Division, PWD (B &R) Branch, Sirhind, District Fatehgarh Sahib is directed to consider and decide the Legal Notice dated 11.08.2023 (Annexure P-4) in a time bound manner.

Learned counsel for the respondents does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above, 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-the Executive Engineer, Construction Division, PWD (B &R) Branch, Sirhind, District Fatehgarh Sahib to consider and decide the Legal Notice dated 11.08.2023 (Annexure P-4) 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.

OCTOBER 05, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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