

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

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**CWP-22657-2023
Date of Decision: 09.10.2023**

M/S R.K. BUILDERS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. J.S. Rana, 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 pending payments of the work done as well as security amount of the petitioner i.e. Rs.1,82,15,434/- alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner is the empanelled contractor of the respondents and has been executing various works for and on behalf of the respondents as well as other government Department upto their satisfaction. The petitioner has satisfactorily completed the work of "Rehabilitation & other works at Main WTP, 900MM Gravity Main 9.1 KM and instrumentation, PLC & SCADA and 5 years O & M of SCADA system at Sri Muktsar Sahib Town (under Atal Missioin for Rejuvenation and Urban Transmission (AMRUT) under ID No.2020-WSS-43621-1 and Bidder Bid ID NO.183792. The grievance of the petitioner is that the respondents are

not releasing the pending audited/passed payments of Rs.1,82,15,434/- since long. The petitioner was allotted the work in 2020. It is further averred that the allotted work was completed in the prescribed time schedule and there has been no complaint qua the satisfactory execution of the work. The petitioner has paid numerous visits to the office of the respondents but nothing fruitful could be yielded. Finally, the petitioner served a legal notice dated 05.07.2023 (Annexure P-6) but no action has been taken by the respondents thereupon till date.

Notice of motion.

Mr. Sanjay Sabharwal, Addl. A.G., Punjab accepts notice and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4 – The Executive Engineer, Water Supply and Sanitation Division No.2, Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab is directed to consider and decide the legal notice dated 05.07.2023 (Annexure P-6) 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.4 to consider and decide the legal notice dated 05.07.2023 (Annexure P-6) 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.

OCTOBER 09, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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