

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

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**CWP-22749-2023
Date of Decision: 09.10.2023**

M/S AGGARWAL BUILDERS

..... 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.55,25,000/- 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 26.12.2016, the work of construction of Pigri Farm at Village Khiowal Hoshiarpur was allotted to the petitioner vide EE No. PRD/H/2016/9356 dated 26.12.2016 for an amount of Rs. 2,35,00,000/-. The petitioner immediately commenced this work on 27.12.2016 but due to change of site by the department, the work was stopped on 07.01.2017. On 07.02.2017, the

1st secured advance amounting to Rs.36,57,526/- was also paid to the petitioner for the material purchased by the petitioner. During the execution of the work, the officials of the Animal Husbandry also visited the site and they got executed some additional work and the work was ultimately completed on 30.11.2017. The same was handed over/taken over by the Animal Husbandry Department on 30.11.2017. However, the balance payment of Rs. 55,25,000/- has not been paid 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 including latest representation dated 06.05.2022 (Annexure P-9) upon respondent No.6-the Executive Engineer, Panchayati Raj Public Works Division, Hoshiarpur but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Sanjay Sabharwal, Addl. AG, 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.6-the Executive Engineer, Panchayati Raj Public Works Division, Hoshiarpur is directed to consider and decide the representation dated 06.05.2022 (Annexure P-9) 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.6-the Executive

Engineer, Panchayati Raj Public Works Division, Hoshiarpur to consider and decide the representation dated 06.05.2022 (Annexure P-9) 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 his favour within a further period of three months.

Petition stands disposed of accordingly.

OCTOBER 09, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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