

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-23207-2023 (O&M).
Date of Decision: 12.10.2023.

BALRAJ SINGH (CONTRACTOR)
.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS
... Respondents

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

Present: Mr. Mohd. Jameel, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the payment of the work orders completed by the petitioner as well as the security amount along with interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner has completed total 05 work orders and security amount of total 07 work orders (Annexures P-1 to P-7) is still pending. The details of the works done and security amount pending as averred in para No.15 of the petition are extracted as under: -

Sr.No.	Work Order No.	Work Done (Rs.)	Security	Balance
1	P.I.T./2020/1490 Dated 10.09.2020	91,18,332/-	9,11,833/-	--

2	P.I.T./2021/1890 Dated 29.09.2020	66,52,805/-	6,65,280/-	--
3	P.I.T./2021/2386 Dated 30.11.2021		57,525/-	2,021/-
4	P.I.T./2021/2388 Dated 30.11.2021	21,59,217	2,15,921	1,41,617/-
5	P.I.T./2021/2392 Dated 30.11.2021	24,72,334/-	2,47,233/-	75,492/-
6	P.I.T./2021/2396 Dated 30.11.2021	--	1,33,336/-	26,605/-
7	P.I.T./2021/55 Dated 05.01.2022	70,14,990/-	7,01,499/-	5,01,447/-
		Total	29,32,627/-	7,47,142/-
8	P/F and Erection of Shed in Indra Colony Ward No.11	EMD Amount	64,380/-	--
		Grant Total	37,44,149/-	

Learned counsel for the petitioner further contends that even though the works allotted to the petitioner stand successfully executed, however, the payment against the execution of the works and security amount has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a representation dated 07.10.2023 (Annexure P-14) has been sent by the petitioner, however, neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and Mr. Sanjay Sabharwal, Addl. A.G., Punjab,

who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondents No.3 to 5 and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.3 - the Executive Officer, Improvement Trust, Baradari, Patiala, District Patiala, is directed to take note of the representation dated 07.10.2023 (Annexure P-14) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

October 12, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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