

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

125

CWP-24200-2023 (O&M).
Date of Decision: 20.10.2023.

M/S RIKHI CONSRUCTION CO.
.. 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due amount of Rs.3,19,34,661/- qua the works of various link roads executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has executed various works assigned to it from time to time and one of the allotment letter has been appended with the present petition as Annexure P-1. The details of the works successfully completed and the amount payable as averred in para No.3 of the petition are extracted as under: -

Sr.No.	Details of the works	Amount payable
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1	Link Roads connecting Gurudwara Shri Fatehgarh Sahib proposed for widening from 10 th to 18ft (Group No.1) Length 5.75 km MC Sirhind, District Fatehgarh Sahib EE No.5672 dated 09.11.2022 Date of Completion: 08.02.2023.	4 th running bill Rs.67,95,879/- 5 th & Final Bill Rs.9,80,000/-
2	Link Roads connecting Gurudwara Shri Fatehgarh Sahib proposed for widening from 10 th to 18ft (Group No.2) Length 7.45 km MC Sirhind, District Fatehgarh Sahib EE No.5765 dated 09.11.2022 Date of Completion: 08.02.2023	Balance payment of 3 rd running bill Rs.72,55,136/- 4 th running bill Rs.50,30,883/- 5 th & Final bill Rs.9,90,000/-
3	Link Roads Sirhind Morinda Road to Bhari Kheri Road Via Talania Firojpur Raipur Majri connecting Gurudwara Shri Fatehgarh Sahib proposed for widening from 10ft to 18 ft Length 10.90 km MC Sirhind/Bassi Pathana, District Fatehgarh Sahib EE No.5779 dated 09.11.2022 Date of Completion: 08.02.2023	4 th running bill Rs.1,01,92,763/- 5 th & final bill Rs.6,90,000/-
	Grand Total	RS.3,19,34,661/-

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 legal notice dated 23.09.2023 (Annexure P-4) 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 legal notice 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.

Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of respondents and he has 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.6 - the Executive Engineer, Construction Division, Public Works Department Building & Roads Branch, Sirhind, District Fatehgarh Sahib, is directed to take note of the legal notice dated 23.09.2023 (Annexure P-4) 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 20, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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