

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

126

CWP-25096-2023

Date of Decision: 07.11.2023

AJAY KUMAR SINGLA

... 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 due payment of Rs.67,31,390/- including security qua the work of estimate for making Cross Bundh at RD 496050 and cut at RD 496250 of Rajasthan Feeder 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 24.03.2023, the abovesaid was allotted to the petitioner vide agreement No.08/2022-23 dated 24.03.2023. The petitioner completed the said work on 16.05.2023 and the payments of 1st and 2nd running bills have also been released to the petitioner; but the payment of 3rd and final bill amounting to Rs.60,94,032/- excluding the total security amount of Rs.6,37,347/- has not

been released till date. Thus a total sum of Rs.67,31,390/- (wrong mentioned as Rs.67,39,390/- in paragraph No.3 of the petition) becomes outstanding towards the respondents. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations including the last one dated 18.08.2023 (Annexure P-3) upon respondent No.4 but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Ms. Saurav Sharma. Addl. A.G, Punjab accepts notice on behalf of the respondents 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, Rajasthan Feeder Canal & Water Division, WRD, Ferozepur is directed to consider and decide the representation dated 18.08.2023 (Annexure P-3) in a time bound manner.

Learned State Counsel 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.4 to consider and decide the representation dated 18.08.2023 (Annexure P-3) 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.

07.11.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No