

2023:PHHC:143542

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

127

CWP-25098-2023
Date of Decision: 07.11.2023

KEWAL KRISHAN

... 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.1,21,24,452/- including security qua the work of 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. During the year 2023, various works were allotted to the petitioner vide different agreements including the one dated 21.02.2023 (Annexure P-1). The details of the works executed by the petitioner and the amounts outstanding qua them are duly given in tabulated form of paragraph No.3 of the petition. Despite successfully completing the said works, the payment qua the same has not been made by the respondents till date. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations followed by a legal notice dated 09.10.2023 (Annexure P-3) upon respondent No.3 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.3- The Executive Engineer, Bathinda Canal Division, Bathinda is directed to consider and decide the legal notice dated 09.10.2023 (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.3 to consider and decide the legal notice dated 09.10.2023 (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