

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

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**CWP-25762-2023
Date of Decision: 16.11.2023**

M/S PATEL INFRASTRUCTURE PVT. LTD.

... 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.42,18,74,039.51/- qua the work of improvement, rehabilitation, resurfacing & routine maintenance works of roads of Sangrur-Mansa-Bathinda contract area (PSRSP/WB/OPRC/I/ICB) under output and performance based road contract (OPRC) (Road Asset Management Contract) executed by the petitioner, alongwith interest @ 12% p.a. as per Clause 50.1 of the Contract Agreement.

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 22.10.2012, the abovesaid work was allotted to the petitioner vide letter dated

22.10.2012 and the petitioner has successfully completed the said work on 22.07.2022. The payment of some of the running bills has been made to the petitioner; but the balance amount, as detailed in paragraph No.3 of the petitioner, has not been released by the respondents till date. It is further averred that due to non-payment of the above said amount, the petitioner has foreclosed the contract on 22.07.2022 and the foreclosure has been accepted by the respondent-Department. However, the payment of balance amount has not been made till date despite repeated requests. The representative of the petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations including the latest one dated 20.10.2023 (Annexure P-16) upon the respondents but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, 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.5- The Executive Engineer, Construction Division, PWD B&R Branch, Sangrur is directed to consider and decide the representation dated 20.10.2023 (Annexure P-16) 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.5 to consider and decide the representation dated 20.10.2023 (Annexure P-16) 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.

16.11.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No