

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

119

**CWP-25859-2023
Date of Decision: 17.11.2023**

TALWINDER SINGH

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. 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.43,01,338/- including security qua the work of boring and installing a deep tubewell of size 200 mm i/d straight upto 150 meter depth BGL with reverse rotary rig, construction of OHSR 75,000 liter capacity rising main distribution system, water connections, water meter, chlorination plant, pump chamber with WC, pumping machinery, C.I. Fitting, development of head works, carriage of material etc. complete in all respect as per specification, Water Supply Scheme Jalota Bifurcation from existing Water Supply Scheme Bangalipur (3 Nos.) Block Dasuya, District Hoshiarpur (under Head NABARD-XXIII/JJM) executed by the petitioner, alongwith interest @ 12% p.a.

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 16.05.2022, the abovesaid work was allotted to the petitioner vide EE No.5373 dated 16.05.2022 and the petitioner has successfully completed the said work on 28.04.2023. An amount of Rs.18,00,000/- only has been paid to the petitioner from the 1st running bill. The balance amount of the 1st running bill and the payments qua 2nd and 3rd (i.e. the final bill) have not been released till date. The details of the outstanding amounts have been duly given in tabulated form in paragraph No.3 of the petition. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations dated 22.06.2023, 03.10.2023, 18.10.2023 (Annexure P-3) and the recent one dated 01.11.2023 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. 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.4- The Executive Engineer, Water Supply and Sanitation Division No.1, Hoshiarpur is directed to consider and decide the representation dated 18.10.2023 (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.4 to consider and decide the representation dated 18.10.2023 (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.

17.11.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No