

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

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**CWP-25845-2023
Date of Decision: 17.11.2023**

TARSEM KUMAR

... 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 balance amount of Rs.9,11,148/- qua the work of Construction of Government Degree College at Village Ilusnar (Gidderbaha) District Sri Muktsar Sahib (Punjab) 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 06.03.2019, the abovesaid work was allotted to the petitioner vide allotment letter No.4897-4904 dated 06.03.2019 and the petitioner has successfully completed the said work on 20.12.2021. The payment of running bills and the part payment of 10th and final bill has already been made to the petitioner; but

an amount of Rs.9,11,148/- has been withheld on account of non-availability of funds. However, despite the lapse of a period nearly two years, the outstanding amount has not been released by the respondents. 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 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, Gidderbaha, District Muktsar Sahib 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.5 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 legal notice, 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*