

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

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**CWP-40-2023
Date of decision: 06.01.2023**

THE SAROOP SINGH WALA LABOUR & CONSTRUCTION SOCIETY
LIMITED

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab
for respondents No.1.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 14,16,092/- including security and earnest money qua certain works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted certain works of repair and renovation of CHC Chanarthal Kalan, District Fatehgarh Sahib for contract price of Rs. 39,58,700/- and repair and renovation of CHC Khera, District Fatehgarh

Sahib for contract price of Rs. 45,34,661/- in the year 2021 which was successfully executed the petitioner and defect liability certificate was also issued to the petitioner qua the said works. The petitioner submitted the final bills of both the projects for a total amount of Rs. 14,16,092/-. However, till date due payment of aforesaid amount has not been released to the petitioner.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent authorities and various representations including Legal Notices dated 07.10.2022 (Annexure P-5 & P-6) has been served by the petitioner to the respondent No.4-the Executive Engineer, Punjab Health System Corporation, SAS Nagar Mohali for release of due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4-the Executive Engineer, Punjab Health System Corporation, SAS Nagar Mohali is directed to look into Legal Notices dated 07.10.2022 (Annexure P-5 & P-6) and pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Vishnav Gandhi, DAG, Punjab appears and accepts notice on behalf of respondents No.1.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.2 to 4.-Punjab Health System Corporation, SAS Nagar, Mohali.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 4 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.4-the Executive Engineer, Punjab Health System Corporation, SAS Nagar Mohali to examine the grievance espoused by the petitioner in the Legal Notices (Annexure P-5 & P-6) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)

JUDGE

JANURARY 06, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No