

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

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**CWP-222-2023
Date of decision: 09.01.2023**

M/S J.V ENTERPRISES & ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr.A.P.S. Sandhu, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents.

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. 15,36,652/- qua the works executed by the petitioner alongwith interest @ 18% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted various contracts for public works vide different work orders on different dates by the Water Supply and Sanitation Department, Govt. of Punjab. The petitioner completed the aforesaid works within prescribed time. However, an amount of Rs. 15,36,652/- 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 Notice dated 07.05.2021 (Annexure P-3) has been served by the petitioner to the respondent No.3-Executive Engineer, Water Supply and Sanitation Department, Fatehgarh Sahib for release of due payment.

Respondent No.3-Executive Engineer, Water Supply and Sanitation Division, Fatehgarh Sahib has submitted his response to the abovesaid legal notice vide letter No.4587 dated 24.05.2021 wherein he has acknowledged the liability to pay the amount in question but has submitted that the funds in question are to be received from the Superintending Engineer, w/s & Sanitation Circle, Patiala vide office note No. 571 dated 24.05.2021 and the payment shall be made upon receipt of such funds. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents and has no objection in the event of such prayer of the petitioner as aforesaid is accepted.

Learned counsel appearing on behalf of the respondents are unable to dispute factual aspect stated by the Executive Engineer, Water Supply and Sanitation Division, Fatehgarh Sahib. Hence, the factual aspects stand uncontroverted and undisputed.

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to

respondent No.3-Executive Engineer, Water Supply and Sanitation Division, Fatehgarh Sahib, to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

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

JANUARY 09, 2023

Vishal Sharma

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