

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

117

CWP-146-2023

Date of Decision:09.01.2023

M/s J V Enterprises and 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 petitioners.**

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India, 1950 is for issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to release the due amount qua the works executed by the petitioners along with interest @ 18% per annum.

Briefly, the facts of the present petition are that various contracts for public works were awarded to the petitioners vide different work orders by the Water Supply and Sanitation Department, Government of Punjab, Mohali. The details of the works done by them vide separate work orders have been extracted in paragraph No.2 of the present petition. The petitioners completed the said works within the sanctioned time and according to the standards given by the Department. Thereafter, the

petitioners issued bills for the works done by them and the same were also sanctioned by the Department for payment. That on 31.03.2022, an amount of ₹1,27,672/- against item No.1 and ₹3,07,800/- was paid against item No.2 as mentioned in paragraph No.2 of the instant petition. However, remaining payment has not been paid till now. The petitioners issued various letters to respondent No.3 for release of the payment. They also sent legal notice dated 07.05.2021 to respondent No.3 for recovery of the amount in question though no payment was made.

Respondent No.3-Executive Engineer, Water Supply and Sanitation Department, SAS Nagar, Mohali has submitted his response to the abovesaid legal notice vide letter No.4347 dated 07.07.2021 wherein he has acknowledged the liability to pay the amount of ₹16,30,824/- but has submitted that the funds in question are to be received from the Municipal Corporation, SAS Nagar 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, A.A.G., Punjab, who is present in Court accepts notice on behalf of respondent Nos.1 to 3. Mr. Saurav Verma, Addl. A.G., Punjab, who would be deemed to be on the panel of all statutory Boards and Corporations of the State of Punjab by virtue of his appointment is requested to accept notice on behalf of respondent No.4.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of respondent No.4.

Learned counsel appearing on behalf of the respondents are unable to dispute factual aspect stated by the Executive Engineer, Water

Supply and Sanitation Department, SAS Nagar, Mohali. 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-The Executive Engineer, Water Supply and Sanitation Department, SAS Nagar, Mohali, 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.

Petition is disposed of.

January 09, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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