

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

122

**CWP-26669-2023
Date of Decision: 29.11.2023**

M/S PREET CONSTRUCTIONS

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

**Present: Mr. Chirag 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 pay balance payment of Rs.16,31,353/- qua the works executed by the petitioner, alongwith interest @ 12% per annum.

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 02.03.2020, the work of periodical Repair of ITI to Civil Hospital Bassi Pathana Road (ODR-05) Length 0.594 km including Maintenance of Road for 03 years (one year Defect Liability Period + Two Year Maintenance Period) under Head 3054 (M&R) in District Fatehgarh Sahib was allotted to the petitioner vide E.E. No. 3739 dated 02.03.2020. The petitioner has

successfully completed the aforesaid work on 19.04.2021 but the balance amount of Rs.16,31,353/-, which includes the maintenance work has not been paid till date. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations to the respondents but no response has been received by the petitioner. Lastly, a Legal Notice dated 23.09.2023 (Annexure P-3) has been served by the petitioner upon respondent No.5-the Executive Engineer, Construction Division No.2, PWD B & R Branch, Mohali at Fatehgarh Sahib to release the aforesaid amount. In response thereto, the Sub Divisional Engineer has sent a letter dated 13.10.2023 to the petitioner to the effect that the petitioner has not submitted the final bill. It is relevant to mention here that the petitioner has already submitted the final bill in the year 2021 but as per the demand of the respondent-department, the petitioner has again submitted the final bill alongwith letter dated 30.10.2023 and made a request for releasing the aforesaid amount, but nothing fruitful has been done so far.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if upon respondent No.5-the Executive Engineer, Construction Division No.2, PWD B & R Branch, Mohali at Fatehgarh Sahib is directed to consider and decide the Legal Notice dated 23.09.2023 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents 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 upon respondent No.5-the Executive Engineer, Construction Division No.2, PWD B & R Branch, Mohali at Fatehgarh Sahib to consider and decide the Legal Notice dated 23.09.2023 (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.

NOVEMBER 29, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No