

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

226-1

**CWP-36623-2019 (O&M)
Date of Decision: 15.02.2023**

M/S COMPETENT CONSTRUCTIONS

... Petitioner

VERSUS

UNION TERRITORY AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

Mr. Anil Mehta, Standing Counsel with
Ms. Akanksha Sahni, Addl. Standing Counsel
for the respondents.

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 make the payment of Rs.1,16,95,268/- qua the works of Construction of Judges Houses in Sector 24, Chandigarh executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint qua the works executed by the petitioner. During the year 2009-2010 to 2012-2013, the works of construction of Judges Houses in Sector-24, Chandigarh were allotted to the petitioner vide different letters. The works were completed well in time and some of the payments were also made, but the payment of final bills has not been made till date. The details of the works executed by the petitioner and the amount payable qua the same have been duly

given in tabulated form in paragraph No.2 of the petition. Despite successful completion of the said works, the balance payment as well as security amount has not been released in favour of the petitioner. The petitioner served a legal notice dated 30.04.2019 (Annexure P-2) upon the respondent No.3 with a request to release the balance payment of the petitioner. Despite the same, the respondents did not release the payment of the petitioner, whereupon, the petitioner filed a CWP No.14538 of 2019 which was disposed of vide order dated 28.05.2019 passed by this Court with a direction to respondent No.3 to consider and decide the legal notice dated 30.04.2019 (Annexure P-2) within a period of 08 weeks. Respondent No.3 was further directed to release the amount, if so found due. However, the respondents failed to comply with the abovesaid order compelling the petitioner to file COCP No.2820 of 2019 before this Court, which came up for final hearing on 30.09.2019. On that date, counsel for the respondents produced copies of the orders dated 27.09.2019 before the Hon'ble High Court stating therein that the payments of the bills cannot be verified as the same are yet to be verified. It is further submitted that the replies submitted by the respondents were evasive and had been filed only to save their skin. No reasons whatsoever had been assigned therein for non-payment of the bills. The copies of said orders are attached alongwith the petition as Annexures P-3 and P-4. It is further averred that now the petitioner has submitted detailed replies to the orders dated 27.09.2019 clarifying each and every thing and has again made a request to process the dues payable to the petitioner and to release the same as well. The copies of such replies/representations dated 14.10.2019 are appended alongwith the instant petition as Annexures P-5 and P-6. But till date neither the payment of the petitioner has been released nor has any action been taken on the said replies/representations dated 14.10.2019 (Annexure P-5 and P-6).

Pursuant to the notice issued, Mr. Anil Mehta, Standing Counsel for U.T. Chandigarh has entered appearance on behalf of the respondents and prays for some time to file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if the respondent No.3 is directed to consider and decide the representations dated 14.10.2019 (Annexure P-5 and P-6) in a time bound manner.

Learned Counsel for the respondents do not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting on the merits of the case, the present petition is disposed of while directing respondent No.3-The Executing Engineer to consider and decide the representations dated 14.10.2019 (Annexure P-5 and P-6) by passing a reasoned and speaking order after affording an effective 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 representations, 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 failing which the amount so found due shall carry interest at the rate of 6% from the date of filing of present petition till actual disbursement thereof.

15.02.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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