

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-28020-2023 (O&M).
Date of Decision: 14.12.2023.

M/S EMM EMM CONSTRUCTION CO.

.. 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to make the due payment of Rs.66,84,792/- qua the work of construction of Camp Office in Shri Guru Gobind Singh Skill Institute at Shri Chamkaur Sahib, District Rupnagar, executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the work of construction of Camp Office in Shri Guru Gobind Singh Skill Institute at Shri Chamkaur Sahib, District Rupnagar, was allotted to the petitioner vide E.E. No.9112 dated 28.11.2019 and subsequently the amount was enhanced to Rs.2,97,92,241/- vide letter No.11955 dated 30.12.2022 (Annexure P-1). He submits that the aforesaid work stand successfully executed, however, the payment against the execution of the aforesaid work as per letter dated 30.12.2022 (Annexure P-1) has not been released yet, even though the final

bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a legal notice dated 11.11.2023 (Annexure P-3) has been sent by the petitioner and that despite a lapse of about more than a month since the date of the legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Niharika Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents No.1 to 6 and Mr. Sanjay Sabherwal, Addl. A.G. Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondent No.7-The I.K. Gujral Punjab Technical University, Jalandhar and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.5-the Executive Engineer, Provincial Division, PWD B & R Branch, Mohali, is directed to take note of the legal notice dated 11.11.2023 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

October 14, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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