

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

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CWP-230-2024
Date of Decision: 09.01.2024

M/S KAMAL CONSTRUCTIONS COMPANY

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Sushil Jain, 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 release the retention money i.e. Rs.5,94,497/- qua the works executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner firm is working and doing business of construction of various projects for State of Punjab and Punjab Heritage and Tourism Promotion Board. That respondent No.3 i.e. Executive Engineer had invited tenders for development of Tourism Infrastructure at Nawashehar which included construction of Development of Tourism Infrastruture at Khatkar Kallan under Swadesh Darshan Scheme of the Ministry of Tourism, Government of India.

The petitioner submitted the tender documents and being eligible, the work was allotted to the petitioner vide letter dated 07.08.2019 issued by the respondent No.2. The petitioner had executed the work and completed the same on 20.03.2022. The respondent No.3 i.e. the Executive Engineer had issued a completion certificate dated 13.04.2022 ascertaining the fact of completion of the work by the petitioner. However, the retention money deducted by the respondents from the bills submitted by the petitioner were not paid after completion of the defect liability period. 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 action has been taken in this regard and till date no payment has been released by the respondents. Lastly, a Legal Notice dated 15.10.2023 (Annexure P-6) has been served by the petitioner upon respondent-authorities to release the aforesaid amount but till date due amount of Rs. Rs.5,94,497/- has not been released to the petitioner.

Notice of motion.

Mr. Sehajbir Singh Aulakh, AAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondent No.3-Executive Engineer, Punjab Heritage and Tourism Promotion Board, Chandigarh.

On the asking of the Court, he accepts notice on behalf of respondent No.3-Executive Engineer, Punjab Heritage and Tourism Promotion Board, Chandigarh.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-Executive Engineer, Punjab Heritage and Tourism Promotion Board, Chandigarh is directed to consider and decide the Legal Notice dated 15.10.2023 (Annexure P-6) 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 respondent No.3-Executive Engineer, Punjab Heritage and Tourism Promotion Board, Chandigarh to consider and decide the Legal Notice dated 15.10.2023 (Annexure P-6) 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.

JANUARY 09, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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