

2024:PHHC:004329

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

108

CWP-656-2024

Date of Decision: 12.01.2024

M/S S.K. CONSTRUCTION COMPANY

... Petitioner

VERSUS

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 release the due payment of Rs.90,82,100/- qua the work of S/R (2021-2022) Phase IV on various Link Roads in M.C. Doraha 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 against the works executed by the petitioner. On 08.10.2021, the abovesaid work was allotted to the petitioner vide EE No.856-58 dated 08.10.2021. The petitioner immediately commenced the work and successfully completed the same on 06.04.2022. The payment of two running bills has been released to the petitioner but the payment of 3rd and final bill has not been released till date, despite the same having been duly passed and

entered in MB No.80528 at Page Nos.92 to 97. The petitioner has executed the work as per PWD specifications and there is no dispute with regard to the said work. He further contends that the petitioner visited the office of the respondents on a number of occasions but the respondents did not release the amount in question. Further, the petitioner made several representations followed by a legal notice dated 05.12.2023 (Annexure P-3) which has recently been served upon the respondents but no action has been taken thereupon till date.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5- The Executing Engineer, Construction Division No.3, PWD B&R Branch, Ludhiana is directed to consider and decide the legal notice dated 05.12.2023 (Annexure P-3) in a time bound manner.

The learned State Counsel does not oppose the prayer made by the 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.5 to consider and decide the legal notice dated 05.12.2023 (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 of the 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 favour of the petitioner within a further period of three months.

Petition stands disposed of accordingly.

JANUARY 12, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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