

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-788-2024 (O&M)
Date of decision:15.01.2024

M/s. S.K. Construction Company

...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 especially in the nature of Mandamus directing the respondents to make the due payment of Rs.49,62,576/- qua the work of S/R on Kup to Maloud (ODR-09) including maintenance of road for 05 years (One year defects liability period + Four year maintenance period) (under Head-5054 RB-10) executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the aforesaid works was allotted to the petitioner vide EE No.180-82 dated 28.04.2021 and the same stands successfully executed. The payment of running bills of this work was not released, thereafter, the petitioner filed CWP-15603-2022, which was disposed of with a direction to the respondent-department to take

a final decision on the legal notice, when the said order was not complied with then the petitioner filed COCP-1907-2022 which was disposed of vide order dated 21.11.2022 as the payment of running bill was released. However, the payment against 3rd (final bill) has for the said work not been released yet, even though the same already stand approved by the competent authority. He contends that in this regard, a legal notice dated 05.12.2023 (Annexure P-5) has been sent by the petitioner and that despite a lapse of more than 01 month since the date of the aforesaid 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 aforesaid 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.

Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of the respondents-State and submits that he has 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 respondent No.5-The Executive Engineer, Construction Division No.3, PWD B & R Branch, Ludhiana is directed to take note of the legal notice dated 05.12.2023 (Annexure P-5) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law 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.

(VINOD S. BHARDWAJ)
JUDGE

15.01.2024
Mangal Singh

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