

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-898-2024

Date of Decision: 16.01.2024

RAJIV KUMAR AGGARWAL BUILDERS AND CONTRACTORS

..... Petitioner

VERSUS

PUNJAB SMALL INDUSTRIES AND EXPORT CORPORATION LTD AND
OTHERS

.... Respondents

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

Present: Mr. P.S. Rana, 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 due payment including Bank Guarantee qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the work of Upgradation of roads with concrete payment at IFP Hoshiarpur has been allotted to the petitioner vide letter No. 3469 dated 29.01.2020 being the lowest bidder at estimated cost of Rs. 19022009/- with a time limit of six months to be commenced w.e.f. 29.01.2020. After the completion of work, the petitioner has submitted last running bill for a sum of Rs. 13.10 lacs

which was processed during May, 2021 and same is still not paid and final bill of other payments to the extent of Rs. 24 lakhs i.e total payment of Rs. 37 lakhs has not been released to the petitioner. 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 response has been received by the petitioner. Lastly, a representation dated 07.12.2023 (Annexure P-8) has been sent by the petitioner upon respondent No.3-the Executive Engineer-IV, Punjab Small Industries & Export Corporation Ltd. Jalandhar Distt. Jalandhar to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-the Executive Engineer-IV, Punjab Small Industries & Export Corporation Ltd. Jalandhar Distt. Jalandhar is directed to consider and decide the representation dated 07.12.2023 (Annexure P-8) 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-the Executive Engineer-IV, Punjab Small Industries & Export Corporation Ltd. Jalandhar Distt. Jalandhar to consider and decide the representation dated 07.12.2023

(Annexure P-8) 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 representation, 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 16, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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