

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

124

CWP-1598-2024
Date of Decision: 24.01.2024

THE BASTI NAU CO-OPERATIVE LABOUR AND CONSTRUCTION
SOCIETY LTD.

..... 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 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 pay due payment of Rs. 42,05,765/- qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 02.06.2023, the work of Constructing T-Studs/Revetment to safe Abadies and Agricultural Land of Village Gandhuwal along L/S of River Beas in Tehsil Tanda, District Hoshiarpur was allotted to the petitioner vide

Agreement dated 02.06.2023. The petitioner has successfully completed the aforesaid work on 05.07.2023. The 1st and final bill amounting to Rs. 42,05,765/- has been passed but its payment has not been released till date. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations and raised a demand from the respondents for releasing the due payment of the work. Recently, a representation dated 10.07.2023 (Annexure P-4) has been sent by the petitioner to respondent No.3-Executive Engineer, Water Resources Department, Hoshiarpur Drainage Division, Hoshiarpur 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-Executive Engineer, Water Resources Department, Hoshiarpur Drainage Division, Hoshiarpur is directed to consider and decide the representation dated 10.07.2023 (Annexure P-4) 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, Water Resources Department, Hoshiarpur Drainage Division, Hoshiarpur to consider and decide the representation dated 10.07.2023

(Annexure P-4) 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 24, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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