

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

117

CWP-1534-2024
Date of Decision: 24.01.2024

M/s BINDRA CONTRACTORS

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitione.

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 balance payment of Rs. 919725.08 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 30.10.2012, the work of Up-gradation of ODR Moga Zira Road to Khosa Pando Road 8.50 km to RD 23.46 km under PMGSY (Phase-X) package No. PB1213 (World Bank Funded, RRP-II) including maintenance for a period of five years was allotted to the petitioner vide EE No. 6404 dated 30.10.2012. The petitioner has successfully completed the aforesaid work on 31.03.2014.

The payment of some of the maintenance bills has also been released to the petitioner but the balance payment of maintenance work has not been released till date. The details of maintenance bills and the amount payable to the petitioner are mentioned in para No.3 of the writ petition. 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 Legal Notice dated 04.01.2024 (Annexure P-5) has been served by the petitioner upon respondent No.5-Executive Engineer, Construction Division, PWD B & R Branch, Moga 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.5-Executive Engineer, Construction Division, PWD B & R Branch, Moga is directed to consider and decide the Legal Notice dated 04.01.2024 (Annexure P-5) 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.5-Executive Engineer, Construction Division, PWD B & R Branch, Moga to consider and decide the Legal Notice dated 04.01.2024 (Annexure P-5) 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 24, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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