

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-1663-2024
Date of Decision: 30.01.2024

M/S FRIENDS 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 amount of Rs.13,83,704/- qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had 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 25.08.2021, the works of providing and installing 200 mm i/d depth 130 mtr with Reverse Rotary Rig at Providing of New Water Works W/S/S Village Daraka, Block Sehna, District Barnala has been allotted to the petitioner vide letter No. 6414 dated 25.08.2021. The petitioner has successfully completed

the aforesaid work on 23.03.2023 but the balance payment of Rs. 4,45,709/- from the 6th and final bill has not been released till date. Counsel for the petitioner submits that the petitioner is also entitled for refund of security amount of Rs. 3,64,858/- and bank guarantee amounting to Rs. 3,64,897/- and also another hand receipt amount of Rs. 2,08,240/-. Meaning thereby, the total amount payable to the petitioner comes to Rs. 13,83,704/-. 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 01.12.2023 (Annexure P-5) has been served by the petitioner upon respondent authorities to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Lavanya Paul, DAG, 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-the Executive Engineer, Water Supply & Sanitation Division, Barnala is directed to consider and decide the Legal Notice dated 01.12.2023 (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-the Executive Engineer, Water Supply & Sanitation Division, Barnala to consider and

decide the Legal Notice dated 01.12.2023 (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 30, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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