

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

107

CWP-3198-2024
Date of Decision: 14.02.2024

M/S ENGINEER 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 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. 62,66,633/- 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 01.12.2021, the work of Special Repair of various Link Roads Falling in the jurisdiction of Market Committee-Goniana, Assembly Constituency-Bhucho Mandi (1. Mehma Sarja to Balahar Mehma, 2. Bathinda Muktsar Road to Lakhi Jangal 3. MC Limit Sivian to Nehianwala, 4. Goniana Bajakhana Road to Village Goniana Khurd 5. Nathana Jandwala to Gurudwara Sahib

Harraipur 6. Bathinda Kotkapura Road to Dhelwan, 7. Kothe Sandhwan to Sy Mehma Sarja, 8. Link Road Phirni to Deon, 9. Khemuana Romana Link Road to Gurudwara Sahib (Plastic Waste Material Road) 10. Ganga (Ablu) Bus Stand to Vivek Ashram (Plastic Waste Material Road) 11. Jeeda Pind De Vichkar Di Main Gali Sadak Dabrikhana Wali Sadak Tak) was allotted to the petitioner vide EE No.3725 dated 01.12.2021. The petitioner has successfully completed the aforesaid work and payment of five running bills has also been released to the petitioner but the payment of 6th running bill dated 12.06.2023 for an amount of Rs. 49,62,927/- and 7th running bill dated 15.06.2023 amounting to Rs. 13,03,706/- which comes to Rs. 62,66,633/-, has been withheld without any reasonable cause. 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. Recently, a Legal Notice dated 20.01.2024 (Annexure P-3) has been served by the petitioner upon respondent No.5-The Executive Engineer, Construction Division No.2, PWD B & R Branch, Bathinda to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Arundhati Kulshreshtha, Asstt. A.G. Punjab appears and accepts notice on behalf of respondents No.1 to 5.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Boards and Corporations of the State of Punjab, has been requested to accept notice on behalf of the respondent No.6-Market Committee, Goneana, District Bathinda.

On the asking of the Court, he accepts notice on behalf of respondent No.6-Market Committee, Goneana, District Bathinda.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-The Executive Engineer, Construction Division No.2, PWD B & R Branch, Bathinda is directed to consider and decide the Legal Notice dated 20.01.2024 (Annexure P-3) 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, Construction Division No.2, PWD B & R Branch, Bathinda to consider and decide the Legal Notice dated 20.01.2024 (Annexure P-3) 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.

FEBRUARY 14, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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