

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

116

CWP-3508-2024
Date of Decision: 16.02.2024

M/S ASSOCIATED ENGINEERS 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 balance payment of Rs. 40,91,952/- qua the works executed by the petitioner, alongwith interest @ 9% 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 02.07.2020, the work of Re- construction of High-Level Bridge in place of existing Old/Narrow Bridge at RD 234.10 of Road Tohana (In Haryana) Punjab Haryana Border to Moonak Budhlada Bhikhi Road of newly declared NH-148-B in the State of Punjab on EPC Mode (Job No.NH-148-B-PB-

2019- 20/519) was allotted to the petitioner vide letter No.574 dated 02.07.2020.

The petitioner immediately commenced this work and payment of seven running bills has also been released to the petitioner but the payment of 8th & final bill amounting to Rs. 40,91,952/- 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. Recently, a representation dated 18.10.2023 (Annexure P-5) has been served by the petitioner upon respondent No.6-the Executive Engineer, Central Division, Public Works Department (B&R) Branch, Sangrur at Patiala 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.6-the Executive Engineer, Central Division, Public Works Department (B&R) Branch, Sangrur is directed to consider and decide the representation dated 18.10.2023 (Annexure P-5) in a time bound manner.

Learned State 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.6-the Executive

Engineer, Central Division, Public Works Department (B&R) Branch, Sangrur to consider and decide the representation dated 18.10.2023 (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 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.

FEBRUARY 16, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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