

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-5150-2024 (O&M).
Date of Decision: 04.03.2024.

M/S VISHVAS 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of Rs.53,10,003/- including the security amount qua the works of construction of various link roads executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the works of construction of various link roads. A copy of the allotment letter dated 17.12.2021 has been appended with the present petition as Annexure P-1.

Learned counsel for the petitioner contends that the aforesaid works stand successfully executed, however, the payment against the execution of the aforesaid works as detailed in paragraph No.3 of the present petition has not been released yet, even though the final bills

submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a legal notice dated 01.02.2024 (Annexure P-3) has been sent by the petitioner and that despite a lapse of more than two months since the date of the legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-Authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of the respondents and submits that he has no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.5 - the Executive Engineer, Construction Division No.2, PWD (B&R) Branch, Bathinda, is directed to take note of the legal notice dated 01.02.2024 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

March 04, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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