

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CWP-5337-2024 (O&M)
Date of decision: 06.03.2024

M/s Shiva Builders, # Mudki Road, Baghapurana, District Moga.
...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 especially in the nature of Mandamus directing the respondents to release the payment of Rs.16,28,416/- qua the work of Construction of ITI Daboor, Block Shir Kiratpur Sahih, District Ropar, executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has executed and completed various works assigned to it from time to time, however, the outstanding payment has not been released yet on account of non-availability of funds. He contends that in this regard, a legal notice dated 12.02.2024 (Annexure P-3) has been sent by the petitioner and that despite a lapse of about 01 month since the date of the aforesaid 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 aforesaid 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.

Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of the respondents-State 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, PWD B&R Branch, DAC, Chenab-Jehlam, Moga, is directed to take note of the legal notice dated 12.02.2024 (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.

(VINOD S. BHARDWAJ)
JUDGE

06.03.2024

Mangal Singh

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