

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

119

CWP-6127-2024
Date of Decision: 15.03.2024

PANKAJ ARORA

..... 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 release the due payment of Rs. 43,63,394 /- including security 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 16.11.2021, the work of Providing and Installing Tubewell Size 200 mm i/d 150 mtr Depth, Construction of OHSR Capacity 75 KL, Pumping Main, Laying, Cutting, Jointing & Testing of pipeline for distribution PVC pipe 63mm o/d, 90mm o/d, 110 mm o/d and 160 mm o/d including cost of

excavation, dismantling of bricks/metallic in trenches House Hold Connections, Chlorination, Construction of Pump Chamber, Repair of Existing Pump Chamber, Pumping Machinery, C.I. Fitting inside pump chamber, Development of Head Works site, Environment Management and O & M for 3 months complete in all respects was allotted to the petitioner vide EE No.7401 dated 16.11.2021. The petitioner has successfully completed the aforesaid work on 24.01.2023. The payment of four running bill has been released to the petitioner. However, the payment of 5th running bill for an amount of Rs. 38,43,822/- has not been released to the petitioner. Apart from this, the petitioner is also entitled for refund of security amount of Rs. 5,19,572/- as the defect liability period of this work has also expired on 23.01.2024. The total amount payable to the petitioner comes to Rs. 43,63,394/-. 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 12.02.2024 (Annexure P-3) 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.

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.5 the Executive Engineer, Water Supply & Sanitation Division No.1-Ludhiana is directed to consider

and decide the Legal Notice dated 12.02.2024 (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, Water Supply & Sanitation Division No.1-Ludhiana to consider and decide the Legal Notice dated 12.02.2024 (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.

MARCH 15, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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