

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

118

CWP-6124-2024
Date of Decision: 15.03.2024

M/S EMM EMM CONSTRUCTION CO.

..... 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. 89,12,000/- 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 02.11.2021, the works of Repair & Renovation at SDH Anandpur Sahib, District Ropar was allotted to the petitioner vide letter No. 2514-2520 dated 02.11.2021. The petitioner has successfully completed the aforesaid work on 10.03.2023 for an amount of Rs. 3,99,17,000/-. The payment of Rs. 3,30,00,000/- has been paid to the petitioner but the balance payment of

Rs. 69,17,000/- has not been paid till date. Apart from it, the petitioner is also entitled for refund of security amount of Rs. 19,95,000/- as the defect liability period of this work also stands expired. The total amount payable to the petitioner comes to Rs. 89,12,000/-. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations including latest representation dated 21.11.2023 has been served by the petitioner upon respondent No.4-the Executive Engineer (Civil), Punjab Health Systems Corporation, S.A.S. Nagar, Mohali 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.4-the Executive Engineer (Civil), Punjab Health Systems Corporation, S.A.S. Nagar, Mohali is directed to consider and decide the representation dated 21.11.2023 (Annexure P-4) 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.4-the Executive Engineer (Civil), Punjab Health Systems Corporation, S.A.S. Nagar, Mohali to consider and decide the representation dated 21.11.2023 (Annexure P-4) 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.

MARCH 15, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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