

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-6811-2024 (O&M)
Date of decision: 08.04.2024

The Fancy Co-op. L & C Society Ltd., Amritsar ...Petitioner
VERSUS

The State of Punjab and another ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. TPS Makkar, 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 make the payment of Rs.20,65,826/- (including security amount of Rs.5,29,174/- deducted at the time of making payment of the running bills qua the works executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the various works were allotted to the petitioner from time to time and the same stands successfully executed, however, the outstanding payment as well as the security amount deducted at the time of making payment of running bills against the execution of works of construction of permanent defence on the right side of River Ravi in F.P.E. as mentioned in the petition have 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 representation dated 08.08.2023 (Annexure P-5) has been sent by the petitioner and that despite a lapse of 08 months since the date of the

aforesaid representation 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 representation 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. Vipin Pal Yadav, Addl. AG 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.2-Executive Engineer, Drainage Construction Division, Amritsar, is directed to take note of the representation dated 08.08.2023 (Annexure P-5) 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

08.04.2024

Mangal Singh

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