

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

120

CWP-7441-2024

Date of Decision: 03.04.2024

M/S APEX BUILDERS

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. 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.77,75,420/- including security qua the work of construction and repair of roads executed by the petitioner, alongwith interest @ 12% per annum.

After arguing at some length, learned counsel for the petitioner submits that with regard to his grievance, the petitioner has served a legal notice dated 01.03.2024 (Annexure P-3) upon respondent No.5 but the respondents have neither taken any action thereupon nor did they make the payment to the petitioner.

Notice of motion.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab, accepts notice and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5- The Executive Engineer, Construction Division No.3, PWD B&R Branch, Ludhiana is directed to

consider and decide the legal notice dated 01.03.2024 (Annexure P-3) in a time bound manner.

The learned State Counsel does not oppose the prayer made by the 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 to consider and decide the legal notice dated 01.03.2024 (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 of the 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 favour of the petitioner within a further period of three months.

Petition stands disposed of accordingly.

APRIL 03, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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