

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

149

CWP-8019-2024 (O&M).
Date of Decision: 08.04.2024.

M/S ANIL KUMAR CONTRACTOR

.. 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 in the nature of Mandamus directing the respondents to release the balance payment of Rs.94,87,000/- including the security amount qua the work of construction of Government Degree College at Mukhliana, District Hoshiarpur executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the work of work of construction of Government Degree College at Mukhliana, District Hoshiarpur. A copy of the allotment letter dated 03.06.2021 has been appended with the present petition as Annexure P-1.

Learned counsel for the petitioner contends that the aforesaid works stand successfully executed, however, the payment against the

execution of the aforesaid work including the security amount has 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 legal notice dated 09.03.2024 (Annexure P-4) has been sent by the petitioner and that despite lapse of a period of one month since the date of the 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 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.

On the asking of the Court, Mr. Vipin Pal Yadav, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of the respondents 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, Provincial Division, PWD (B&R) Branch, Hoshiarpur, is directed to take note of the legal notice dated 09.03.2024 (Annexure P-4) 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.

April 08, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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