

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

104

CWP-8657-2024
Date of decision: 20.04.2024

M/S DMR BUILDERS PVT LTDPetitioner

VERSUS

THE STATE OF PUNJAB AND OTHERSRespondents

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

Present: - Mr. R.K. Girdhar Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India, 1950 is for issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to release the due amount of Rs. 15,69,819/- qua the works executed by the petitioner along with interest @ 12% per annum.
2. 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 06.10.2021, the works of installation of New Tube Well, pumping machinery, rising main site laying of Water Works, Construction of USGR 200 cum for Fire Fighting System, Estate Water Supply & Estate Sewar

System complete in all respect for proposed Sri Guru Gobind Singh Skill Institute (Phase-1) Sri Chamkaur Sahib, District Ropar was allotted to the petitioner vide EE No. 3743 dated 06.10.2021. The petitioner has successfully completed the aforesaid work on 15.08.2023 and the 3rd and final bill amounting to Rs. 15,69,819/- has also been passed but its payment is not being released only on the ground of non-availability of funds. 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 26.02.2024 has been served by the petitioner upon respondent No.4- the Executive Engineer, Water Supply & Sanitation Division, Roopnagar to release the aforesaid amount but till date due amount has not been released to the petitioner.

3. Respondent No.4- the Executive Engineer, Water Supply & Sanitation Division, Roopnagar has submitted his response to the abovesaid legal notice vide letter No.2357 dated 28.09.2024 wherein he has acknowledged the liability to pay the amount in question but has submitted that the payment in question is to be done by the Executive Engineer, Provincial Division, PWD B & R Branch, Mohali and funds are to be released by the Punjab Technical University. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

4. Notice of motion.

5. Mr. Vipin Pal Yadav, Addl. A.G. Punjab, who is present in Court accepts notice on behalf of respondent Nos.1 to 5.

6. Learned counsel appearing on behalf of the respondents are unable to dispute factual aspect stated by the Executive Engineer, Provincial Division, PWD B & R Branch, Mohali. Hence, the factual aspects stand uncontroverted and undisputed.

7. In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to respondent No.5-The Executive Engineer, Provincial Division, PWD B & R Branch, Mohali, to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

Petition is disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 20, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No