

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CWP-8650-2024

Date of decision: 20.04.2024

GULRAJ SINGH NAGIPetitioner

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

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

Present: - Mr. P.S. Rana, Advocate
for the petitioner
(Through Video Conferencing).

VINOD S. BHARDWAJ, J. (Oral)

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 qua the works executed by the petitioners along with interest @ 18% per annum.

Briefly, the facts of the present petition are that the petitioner is Govt. Contractor and has executed various works in the State of Punjab. The petitioner was allotted a work of renovation and maintenance of Hostel Boys and Girls, Staff Quarters, MP hall, Toilets, Internal Roads, Surrounding of Hostels, Boys mess, Water supply and Boundary walls cum retaining in Jawahar Navodya Vidyalaya Sandhuan, District Ropar by respondent No.2

i.e. the Executive Engineer, Provincial Division, PWD B & R, SAS Nagar, District Mohali. The aforesaid work was completed by the petitioner on 06.07.2021 and thereafter the payment of the final bill was released in July, 2022, however, as per General Conditions of Contract Clause No.44, price adjustment was payable to the petitioner and since prices had increased in respect of Cement and Steel as such price escalation amount was entered in MB 3133 in the final bill for payment of price adjustment of Rs. 5,11,388/- on account of Cement and Steel. However, the payment of Rs. 5,11,388/- was not made/withheld on account of shortage of funds. The petitioner issued various letters/representations to respondent No.2-the Executive Engineer, Provincial Division PWD, B & R, SAS Nagar, District Mohali for release of the payment. They also sent legal notice dated 30.12.2023 to respondent No.3 for recovery of the amount in question, however, remaining payment has not been paid till now.

Notice of motion.

Mr. Vipin Pal Yadav, 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.2-the Executive Engineer, Provincial Division, PWD, B&R, SAS Nagar, District Mohali is directed to consider and decide the Legal Notice dated 30.12.2023 (Annexure P-5) 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.2-the Executive Engineer, Provincial Division, PWD, B&R, SAS Nagar, District Mohali to consider and decide the Legal Notice dated 30.12.2023 (Annexure P-5) 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 Legal Notice, 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.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 20, 2024
Vishal Sharma

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