

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CWP-9440-2024 (O&M)
Date of decision: 26.04.2024

M/s Uday Construction

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. B.S. Toor, 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 release the due payment of Rs.3,12,000/- qua the work of installation of 150mm VD straight Tubewell depth 150 meter against old field Tubewell and a new submersible pumping set under Water Supply Scheme in village Ladian Kalan, District Ludhiana, executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the aforesaid work was allotted to the petitioner and the same stands successfully executed, however, the outstanding payment as stated above against the execution of the aforesaid work has not been released yet. He contends that in this regard, a legal notice dated 16.10.2023 (Annexure P-3) has been sent by the petitioner and that despite a lapse of 06 months since the date of the aforesaid 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 aforesaid 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.

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.5-Executive Engineer, Punjab Water Supply and Sanitary Division No.2, Ludhiana (Punjab), is directed to take note of the legal notice dated 16.10.2023 (Annexure P-3) 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

26.04.2024

Mangal Singh

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