

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

110

CWP-9849-2024

Date of Decision: 01.05.2024

MANMOHAN SINGH CONTRACTOR

... Petitioner

VERSUS

THE STATE OF PUNJAB AND ORS.

... 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 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.41,15,525/- including 50% security qua the works of relining of Sirhind Feeder from RD 172500-174000 and relining of Sirhind Feeder from 174000-175500 executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that despite having completed the work well within the prescribed time, the respondents have withheld the legitimate dues of the petitioner including the security amount. He further submits that with regard to his grievance, the petitioner has submitted a representation dated 23.11.2023 (Annexure P-3), however, the respondents have neither released the amount in question nor did they take any action upon the said representation.

Notice of motion.

Ms. Harpriya Khaneka, DAG, Punjab accepts notice on behalf of the respondents 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, Harike Canal Division, Canal Colony, Ferozepur is directed to consider and decide the representation dated 23.11.2023 (Annexure P-3) in a time bound manner.

Learned State Counsel 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.5 to consider and decide the representation dated 23.11.2023 (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 representation, 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.

MAY 01, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No