

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

136

CWP-10424-2024
Date of Decision: 06.05.2024

M/S PREET CONSTRUCTIONS

... 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 balance payment of Rs.1,28,89,145/- including security and bank guarantee qua the works 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 and bank guarantee. The details of the works executed by the petitioner and the amount payable against them are duly given in tabulated form in paragraph No.2 of the petition. He further submits that with regard to his grievance, the petitioner has submitted various representations including a legal notice dated 05.04.2024 (Annexure P-3), whereupon, the respondents paid an amount of Rs.22,37,473/-, but the balance payment of Rs.1,28,89,145/- has not been made till date.

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, Construction Division No.2, PWD B&R Branch, Mohali at Fatehgarh Sahib is directed to consider and decide the legal notice dated 05.04.2024 (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 legal notice dated 05.04.2024 (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 legal notice, 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.

(VINOD S. BHARDWAJ)
JUDGE

MAY 06, 2024
rajender

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