



CWP-14250-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-14250-2024
Date of decision: 31.05.2024

M/s Sitar Mohd. Govt. Contractor ...Petitioner

Versus

State of Punjab & ors. ...Respondents

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

Present : Mr. S.S. Sarwara, Advocate and
Ms. Khushika Setia, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. 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 for directing respondents No.2 and 3 to release the outstanding payment of Rs.14,03,846/-, alongwith interest.
2. Learned counsel for the petitioner contends that the petitioner has executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. During the period from 2013 to 2020, the petitioner executed numerous works as per the quotations raised by the respondents. However, the respondents have failed to release the payment timely. Total amount of Rs.17,35,983/- was due as per the running account. The details of these works and the amount payable to the petitioner are mentioned in para No.4 of the writ petition. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner

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submitted numerous representations to the respondents including recent legal notice dated 30.12.2023 to respondent No.2-Sub Divisional Engineer, SDE Water Supply & Sanitation, Distt. Fatehgarh Sahib and respondent No.3-The Executive Engineer, Water Supply & Sanitation Division, Fatehgarh Sahib, to release the aforesaid amount, but no action has been taken by the said respondents.

3. Notice of motion.

4. Ms. Niharika Sharma, AAG, Punjab, appears and accepts notice on behalf of the respondents.

5. Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2- Sub Divisional Engineer, SDE Water Supply & Sanitation, Distt. Fatehgarh Sahib is directed to consider and decide the legal notice dated 30.12.2023 (Annexure P-1) in a time bound manner.

6. Learned counsel for the respondents does not oppose the prayer made by learned counsel for the petitioner.

7. 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- Sub Divisional Engineer, SDE Water Supply & Sanitation, Distt. Fatehgarh Sahib, to consider and decide the legal notice dated 30.12.2023 (Annexure P-1) 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.

8. Needless to mention that upon considering the said legal notice,



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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.

9. Petition stands disposed of accordingly.

31.05.2024
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(VINOD S. BHARDWAJ)
JUDGE

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