



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CWP-13411-2024

Date of Decision: 30.05.2024

M/S S.K.S. CONSTRUCTION

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... 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. 46,33,924 qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had 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 year 2021, the work regarding Construction of Shops in Nagar Panchayat Land near N.P. Office was allotted to the petitioner vide Work Order No. 7 dated 12.11.2021 for an amount of Rs. 49,50,000/- has been allotted to the petitioner. The petitioner executed the work for an amount of

Rs. 36,43,924/- upto April, 2022 and its entry has also been made in MB No. 45, Page Nos. 72 to 93. The 1st running bill has also been passed but its due payment has not been released.

Further, another work of Providing and Laying interlocking Tiles from Semnala to Joga Singh Ex-MC, Ward No. 9 was allotted to the petitioner vide work order No. 25 dated 25.11.2021 for an amount of Rs. 9,90,000/-. The petitioner has successfully completed this work on 31.01.2022 but its payment has also not been released to the petitioner. Meaning thereby, the total amount of the aforesaid works comes to Rs. 46,33,924/-, which was been withheld without any justifiable reasons. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations to the respondents but no response has been received by the petitioner. Recently, a Legal Notice dated 02.05.2024 (Annexure P-3) has been served by the petitioner upon respondent No.4- Executive Engineer, Nagar Panchayat, Makhu, District Ferozepur to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Niharika Sharma, Asstt. A.G. Punjab appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Sanjay Sabherwal, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Boards and Corporations of the State of Punjab, has been requested to accept notice on behalf of the respondents No.3 and 4-Nagar Panchayat, Makhu, District Ferozepur.

On the asking of the Court, he accepts notice on behalf of respondents No.3 and 4-Nagar Panchayat, Makhu, District Ferozepur.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4- Executive Engineer, Nagar Panchayat, Makhu, District Ferozepur is directed to consider and decide the Legal Notice dated 02.05.2024 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents No.3 and 4 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.4- Executive Engineer, Nagar Panchayat, Makhu, District Ferozepur to consider and decide the Legal Notice dated 02.05.2024 (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 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, thereafter.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

MAY 30, 2024
Vishal sharma

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