

2024:PHHC:091441



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

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CWP-16698-2024

Date of Decision: 22.07.2024

M/S SHIVA BUILDERS

... 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)

Prayer in the present petition is for directing the respondents to release the due payment of Rs.14,01,178/- including the additional deduction made in the 3rd running bill qua the work of periodical repair of Nihal Singh Wala Ramgarh Road 9.00-12.00 km under due plan roads in 5054 RB-10 PCI-I (Phase I) executed by the petitioner, alongwith interest @ 12% p.a.

After arguing at some length, learned counsel for the petitioner submits that with regard to his grievance, the petitioner has submitted various representations followed by a legal notice dated 01.05.2024 (Annexure P-5) but the respondents have neither paid the outstanding dues to the petitioner nor have they taken any action upon the said representation.

Notice of motion.

Mr. Aditya Sharda, DAG, Punjab accepts notice on behalf of respondents and prays for some time to complete instructions and file response, if necessary.

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Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.4- The Executive Engineer, Construction Division, PWD, B & R Branch, Moga, District Administrative Complex, Chanab-Jhelam, Block, 4th Floor, Moga is directed to consider and decide the legal notice dated 01.05.2024 (Annexure P-5) served by the petitioner, by passing a speaking order in a time bound manner.

Learned State Counsel has no objection to the request 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 to consider and decide the legal notice dated 01.05.2024 (Annexure P-5) 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.

JULY 22, 2024*rajender***(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No