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IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

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CWP-16401-2024 (O&M).  
Date of Decision: 18.07.2024.

M/S GARG CONSTRUCTION COMPANY

.. 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release due payment of Rs.14,08,858/- including the security and difference of bituminous price qua the work of Special Repair of various Link Roads falling in the jurisdiction of M.C. Dhanaula, Assembly Constituency Bhadaur under repair programme 2020-21 Phase III (from compaction of earth work to open graded premix carpet with seal coat) executed by the petitioner along with interest @ 12% per annum.

The petitioner claims to be Government Contractor having been assigned the work of Special Repair of various Link Roads falling in

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the jurisdiction of M.C. Dhanaula, Assembly Constituency Bhadaur under repair programme 2020-21 Phase III (from compaction of earth work to open graded premix carpet with seal coat) vide allotment letter dated 15.01.2021 (Annexure P-1).

Learned counsel for the petitioner contends that the aforesaid works stand successfully executed, however, the payment against the execution of the aforesaid works including the security and difference of bituminous price has not been released yet, even though the final bills submitted by the petitioner already stands approved by the competent authority. He contends that in this regard, a representation dated 03.06.2024 (Annexure P-3) has been sent by the petitioner and that despite lapse of a period of more than one month since the date of the representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-Authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Niharika Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents No.1 to 4 and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of

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respondent No.5/Punjab Mandi Board, and they submit that they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.4 - the Executive Engineer, Construction Division, PWD (B&R) Branch, Barnala, is directed to take note of the representation dated 03.06.2024 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

July 18, 2024.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

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