



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

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CWP-17199-2024
Date of Decision: 25.07.2024

M/S SHREE KRISHNA CONSTRUCTION CO.

..... Petitioner

VERSUS

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 balance payment of Rs. 31,56,882/- including security qua the work 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. On 01.12.2021, the work of Special Repair of Various Link Roads Falling in the jurisdiction of Market Committee-Bathinda, Assembly Constituency-Bathinda Rural (1. Bathinda Talwandi Sabo Road to KatarSingh Wala 2. Bathinda Dabwali Road to Jodhpur Road to Jassi Pauwali 3. Phirni Village

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Johdpur Romana 4. Bathinda Dabwali Road to Phirni Village Jodhpur, 5. Phirni Village Jassi Pauwali (Group No.3) was allotted to the petitioner vide EE No.3719 dated 01.12.2021. The petitioner has successfully completed the aforesaid work on 23.05.2023 but the payment of 6th running bill amounting to Rs. 9,94,373/-, 7th & final bill amounting to Rs. 15,82,509/- and security amount of Rs. 5,80,000/- has not been released till date. The total amount comes to Rs. 31,56,882/- has not been paid by the respondent-Department. 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. Lastly, a Legal Notice dated 21.06.2024 (Annexure P-3) has been served by the petitioner upon respondent No.5- the Executive Engineer, Construction Division No.2, PWD B & R Branch, Bathinda to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Mr. Aditya Sharda, DAG, Punjab appears and accepts notice on behalf of respondents.

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, Bathinda is directed to



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consider and decide the Legal Notice dated 21.06.2024 (Annexure P-3) in a time bound manner.

Learned State counsel appearing on behalf of the respondents 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- the Executive Engineer, Construction Division No.2, PWD B & R Branch, Bathinda to consider and decide the Legal Notice dated 21.06.2024 (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.

Petition stands disposed of accordingly.

JULY 25, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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