



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

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CWP-17462-2024

Date of Decision: 26.07.2024

M/S PREET CONSTRUCTIONS

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

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Present: None for the petitioner.

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**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. 27,32,091/- including security qua the work executed by the petitioner, alongwith interest @ 12% per annum.

From the perusal of the petition, it is noticed 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 09.12.2021, the work of Project of New Construction Link Roads in Constituency Bassi Pathana (Year 2021-22) falling in MC Bassi Pathana, District Fatehgarh Sahib consisting of 6 Roads was allotted to the petitioner vide allotment letter No. 2506 dated 09.12.2021. The petitioner made several requests to respondent-Department regarding earth-filling. As per the

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agreement, the petitioner is not in a position to execute the work as the earth work has not been done by the Department. Thereafter, the petitioner refused to commence the work as the earth filling work was done by the department after more than 1 ½ year of the allotment and as such, the petitioner cannot be held responsible for not executing the work. On 12.12.2023, the petitioner made a request to the respondent-Department for releasing the balance payment of Rs. 22,31,864/- and security amount of Rs. 5,00,227/- i.e. total amounting to Rs. 27,32,091/-. However, the due amount of the petitioner has not been paid by the respondent-Department. Thereafter, the petitioner submitted representation dated 12.12.2023 (Annexure P-6) to the respondent No.5-the Executive Engineer, Construction Division No.2, PWD B & R Branch, Mohali at Fatehgarh Sahib but the due amount has not been paid by the respondent-Department.

However, in the considered opinion of this Court, it would be appropriate and in the fitness of things if respondent No.5-the Executive Engineer, Construction Division No.2, PWD B & R Branch, Mohali at Fatehgarh Sahib is directed to consider and decide the representation dated 12.12.2023 (Annexure P-6) in a time bound manner.

Accordingly, in view of the above and without commenting anything on the merits of the case, the present petition is disposed of *in absentia* while directing respondent No.5-the Executive Engineer, Construction Division No.2, PWD B & R Branch, Mohali at Fatehgarh Sahib to consider and decide the legal notice dated 12.12.2023 (Annexure P-6) by



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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.

Parties be informed accordingly.

JULY 26, 2024  
Vishal sharma

(VINOD S. BHARDWAJ)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No