



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

113

CWP-17879-2024

Date of Decision: 31.07.2024

AMARJIT RAM CONTRACTOR

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Rajesh Kumar 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 due payment of Rs. 19,19,640/- qua the works executed by the petitioner, alongwith future 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 23.09.2019, the work of Construction of Ramp for persons with disabilities at SDM Office Balachaur, District SBS Nagar was allotted to the petitioner vide EE No. 2391 dated 23.09.2019. The petitioner has successfully completed the work on 22.12.2021. The 1st running bill amounting to Rs. 18,53,286/- was

**CWP-17879-2024****-2-**

duly passed but only an amount of Rs. 11,63,604/- has been paid on 07.01.2020 but the balance payment of Rs. 6,89,682/- has not been paid to the petitioner. Thereafter, the 2nd and final bill amounting to Rs. 12,29,958/- has also been passed but its payment has also not been released to the petitioner. The total amount payable to the petitioner comes to Rs. 19,19,640/- which has been withheld without any justifiable reason. 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 28.06.2024 (Annexure P-3) has been served by the petitioner upon respondent No.4-the Executive Engineer, Provincial Division, PWD B&R Branch, Shaheed Bhagat Singh Nagar to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of respondents-State.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-the Executive Engineer, Provincial Division, PWD B&R Branch, Shaheed Bhagat Singh Nagar is directed to consider and decide the Legal Notice dated 28.06.2024 (Annexure P-3) in a time bound manner.



CWP-17879-2024

-3-

Learned counsel for the respondents-State 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-the Executive Engineer, Provincial Division, PWD B&R Branch, Shaheed Bhagat Singh Nagar to consider and decide the Legal Notice dated 28.06.2024 (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 31, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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