

2024:PHHC:100287



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-18402-2024 (O&M).
Date of Decision: 05.08.2024.

M/S GARGA CONSTRUCTION COMPANY

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

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

Present: Mr. P.S. Rana, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner for seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release pending payments of Rs.54,32,000/- and also to refund the security amount of Rs.13,08,400/- qua the work of Reconstruction of Mussa Branch from RD 58658 to 118632 (TAIL) Offtaking at RD 78540 of Bhikhi Disty (Slice RD 72330-92550) executed by the petitioner along with interest @ 18% per annum.

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At the very outset, learned counsel for the petitioner submits that the petitioner would be satisfied in case a direction is issued to the respondent No.3-the Executive Engineer Mansa Canal and Ground Water Division, Jawaharke Water Resource Department, Tehsil Jawaharke, District Mansa, Punjab, to decide the demand notice dated 09.07.2024 (Annexure P-3) sent by the petitioner by passing a speaking and reasoned order in accordance with law and in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents and she has 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 writ petition is disposed of with a direction to the respondent No.3-the Executive Engineer Mansa Canal and Ground Water Division, Jawaharke Water Resource Department, Tehsil Jawaharke, District Mansa, Punjab, to consider the demand notice dated 09.07.2024 (Annexure P-3), sent by the petitioner and to pass a speaking and reasoned order thereupon in accordance with law within a period of three months from the date of receipt of certified copy of this order after granting an opportunity of hearing to the petitioner.

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.

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Petition stands disposed of accordingly.

August 05, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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