



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-21624-2024
Date of Decision: 02.09.2024

M/S SONI DRILLERS

... 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 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.18,44,361/- qua 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. The petitioner was allotted various works vide allotment letter No. 2817 dated 26.05.2023 (Annexure P-1) and the same have been duly completed by the petitioner on 10.12.2023 but the 1st and final bill amounting to Rs. 18,44,361/- has not been released till date. He further contends that the petitioner visited the office of the respondents on a number of occasions but the respondents did not release the amount in question. Further, the petitioner had sent representations dated

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12.03.2024 and 01.04.2024 to the respondent-authorities for release of the due amount to the petitioner but no action has been taken upon the same. Counsel for the petitioner contends that respondent No.5-Executive Engineer, Water Supply & Sanitation Division No.2, Pathankot in its letter bearing Memo No. 3678 dated 17.07.2023 has written to the Deputy Commissioner, Pathankot for release of the funds of work undertaken and completed by the petitioner. Hence, the payment in question is not in dispute.

Notice of motion.

Mr. Brijesh, Asstt. A.G., Punjab accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

At this juncture, it has been pointed out by the learned State Counsel that the Executive Engineer, Water Supply & Sanitation Division No.2, Pathankot has already sent a written request to the Deputy Commissioner for release of the funds so that the requisite payment can be made. He states that the dues shall be cleared on receipt of the funds from the Deputy Commissioner, Pathankot.

I find that such an excuse is untenable and the admissible payments to a person cannot be kept in abeyance and at the pleasure of the authorities and on a pretext of arranging for funds. Once the State has got the work executed, it is obligated to release the funds as per the payment schedule as agreed upon by the parties.



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The present writ petition is disposed of with a direction to the respondent No.5 Executive Engineer, Water Supply & Sanitation Division No.2, Pathankot to release the admitted liability in favour of the petitioner within a period of three months from the date of receipt of certified copy of this order.

It is made clear that in the event the undisputed dues of the petitioner are not cleared within the above said period, the salary of the Executive Engineer, Water Supply and Sanitation Division No.2-Pathankot as well as the person holding the charge of the Deputy Commissioner, Pathankot shall be not released till release of the payment admissible to the petitioner or except with the leave of this Court, whichever is earlier.

Petition stands disposed of accordingly.

SEPTEMBER 02, 2024
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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