

2024:PHHC:116646



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP-22255-2024
Date of decision: 05.09.2024

M/S AARUSH CONSTRUCTIONS

.....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 filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 15,13,365/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of Retrofitting of Block-D & E consisting office of District Treasury Officer & RTA for persons with Disability at DAC, Patiala amounting to Rs. 74,77,639/- vide EE sanction No. 10838-42. The details of the work and the amount payable to the petitioner are mentioned in Para No. 3 of the writ petition. The petitioner was successfully executing the abovesaid work but the same was halted by

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the respondent No.2 in September, 2022 due to non-availability of funds and the aforesaid payment of bills has not been released to the petitioner. He further contends that various representations were sent by the petitioner for release of the withheld amount including serving of a legal notice dated 01.08.2024 (Annexure P-3).

Respondent No.5-Executive Engineer, Provincial Division No.1, PWD B&R Branch, Patiala has submitted his response to the abovesaid legal notice vide letter No.5397 dated 27.08.2024 wherein he has acknowledged the liability to pay the amount in question but has submitted that the funds in question are to be received from the competent authority and the payment shall be made upon receipt of such funds. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

Notice of motion.

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

Learned State counsel appearing on behalf of the respondents is unable to dispute factual aspect stated by the Respondent No.5-Executive Engineer, Provincial Division No.1, PWD B&R Branch, Patiala. Hence, the factual aspects stand uncontroverted and undisputed.

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to

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Respondent No.5-Executive Engineer, Provincial Division No.1, PWD B&R Branch, Patiala, to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order. Failing which the petitioner shall be entitled to interest @ 6% per annum from the date of filing of the present writ petition.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)**JUDGE****SEPTEMBER 05, 2024***Vishal Sharma*

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No