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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-23474-2024 (O&M).
Date of Decision: 16.09.2024.

M/S S.S BUILDERS

.. 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release due payment qua the work of Up-gradation and Strengthening of Sri Anandpur Sahib to Garhshankar Road (Section ODR-1, RD 0.00 to 8.57 = 8.57 km & MDR-55 RD 32.620-40.820 = 8.20 km, 8.57 + 8.20 = 16.770 km) in Distt, Rupnagar (Approved under 5054 RB-10) including Maintenance of Road for 5 year (One Year Defect Liability Period + Four Year Maintenance Period) executed by the petitioner along with interest @ 12% per annum.

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The petitioner claims to be Government Contractor having been assigned the aforesaid work vide allotment letter dated 07.01.2020 (Annexure P-1).

Learned counsel for the petitioner submits that the amount due has been wrongly mentioned in the head-note of the present petition, however, the same has been correctly mentioned as Rs.2,05,40,639/- in para No.4 of the present petition. He contends that the aforesaid work stands successfully executed, however, the payment against the execution of the aforesaid works has not been released yet, even though the final bills submitted by the petitioner already stands approved by the competent authority. He contends that in this regard, a representation dated 23.12.2023 (Annexure P-4) has been sent by the petitioner and that despite lapse of a period of about nine months since the date of the representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-Authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Akshita Chauhan, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents and submits that she has no objection to the aforesaid prayer being granted.

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Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.4 - the Executive Engineer, Construction Division, PWD B&R Branch, Rupnagar, is directed to take note of the representation dated 23.12.2023 (Annexure P-4) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

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.

In the event of non-payment of dues within the said period, the same shall be released along with interest @ 6% per annum from the date of filing of the present petition to be paid to the petitioner and further subject to additional payment of a cost of Rs.50,000/- to be deposited with the PGI Poor Patients' Welfare Fund, Chandigarh. The said additional financial liability on accrued interest and cost shall be subject to recovery from the erring officials.

Petition stands disposed of accordingly.

September 16, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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