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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-24307-2024 (O&M).
Date of Decision: 23.09.2024.

M/S B.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, with
Mr. Chirag 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 balance amount of Rs.2,07,01,358/- qua the work of construction of High Level Bridge Single Span (48.00 M Each C/C of Bearing) Over Abohar Branch Canal Crossing Jagraon Raikot Road at Village Akhara in Tehsil Jagraon, District Ludhiana including 2 Nos. Culverts on distributaries and approaches (under NABARD-28) lump-sum basis executed by the petitioner along with interest @ 12% per annum.

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2 The petitioner claims to be Government Contractor having been allotted the aforesaid work vide the allotment letter dated 15.03.2024 (Annexure P-1).

3 Learned counsel for the petitioner contends that the aforesaid work stands successfully executed, however, the payment against the execution of the said 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 legal notice dated 17.08.2024 (Annexure P-3) has been sent by the petitioner and that despite lapse of a period of about one month since the date of the legal notice 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 legal notice 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.

4 Notice of motion.

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

6 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 No.1, Public Works Department, Building and Roads Branch, Ludhiana, is

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directed to take note of the legal notice dated 17.08.2024 (Annexure P-3) 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.

7 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.

8 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.

9 Petition stands disposed of accordingly.

September 23, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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