

2024.PHHC.145473



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

127

CWP-30099-2024

Date of Decision: 07.11.2024

YOGESH KUMAR

... Petitioner

VERSUS

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 for seeking issuance of a writ in the nature of Mandamus directing the respondents to release the balance payment of Rs.52,84,515/- including security qua the works of special repair of various link roads falling within the area of Market Committee, Talwandi Sabo and Raman Mandi executed by the petitioner, alongwith interest @ rate of 12% per annum.

Learned counsel for the petitioner contends that the aforesaid work was allotted to the petitioner vide allotment letter dated 01.12.2021. The details of the works executed by the petitioner and the outstanding payment(s) qua the same are duly given in tabulated form at paragraph No.3 of the petition. He further submits that an amount of Rs.52,84,515/- is still outstanding towards the respondents, which they have withheld without any reason or rhyme. He further

**CWP-30099-2024****-2-**

submits that with regard to his grievance, the petitioner submitted a number of representations followed by a legal notice dated 10.10.2024 (Annexure P-2) served by the petitioner upon respondent No.5. It is further averred that in response to the said legal notice, the petitioner received a reply dated 23.10.2024, wherein it has been admitted that the amount is payable to the petitioner and the funds have been demanded from the higher authorities; and as soon as the funds are received, the payment will be made to the petitioner. But till date, nothing fruitful has been done by the respondent.

Notice of motion.

Mr. Aditya Sharda, DAG, Punjab accepts notice on behalf of the respondents and prays for some time to file reply.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5- The Executive Engineer, Construction Division No.2, PWD B & R Branch, Bathinda is directed to release the admitted payment of Rs.52,84,515/- in a time bound manner.

Heard.

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 respondent No.5 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.

So far as the claim of petitioner qua interest on delayed payment is concerned, the petitioner would be at liberty to take recourse to the alternative



CWP-30099-2024

-3-

remedies that are available to him for redressal of his grievance in accordance with law.

Petition stands disposed of accordingly.

NOVEMBER 07, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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