

2024:PHHC:150137



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

133

CWP-30872-2024
Date of Decision: 18.11.2024

M/S AVS BUILDERS

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

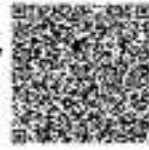
CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ms. Amandeep Kaur, 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 pending payment qua the work executed by the petitioner, alongwith interest @ rate of 18% per annum on delayed payment.

Learned counsel for the petitioner contends that the work of constructing Model Pond (Delser Pond) was allotted to the petitioner vide work order bearing Memo No.PR/KNL/2022/4290 dated 07.07.2022 and the original estimate for the allotted work was Rs.171.65 lakh. The petitioner had undertaken the work under the supervision of the concerned officials of the respondent department and the work was completed in all respect in December 2022. It is further submitted that due to certain exigencies that culled out during the

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progression of work, the estimated cost of the work was increased from Rs.171.65 lacs to Rs.319.11 lacs, which was sanctioned by the concerned Authorities. It is further submitted that the petitioner has already completed the work, but the entire payment has not been made. He submits that an amount of Rs.1,68,74,690/- is still outstanding, which has been illegally withheld by the respondent authorities. He further submits that with regard to his grievance, the petitioner has served a legal notice dated 22.07.2024 (Annexure P-9), but no action has been taken thereupon by the respondent-Authorities nor have they made the payment of the outstanding amount.

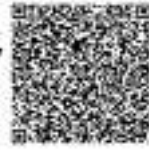
Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1 to 3 and 5 to 8; and prays for some time to seek instructions and file response, if so advised.

Mr. Vivek Saini, Advocate enters appearance and accepts notice on behalf of respondent No.4 and makes a similar prayer.

Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.4- Executive Vice Chairman, Pond Authority, Haryana, DHL Square (Plot No.9) 3rd Floor, Sector-22, Panchkula is directed to consider and decide the legal notice dated 22.07.2024 (Annexure P-9) served by the petitioner, by passing a speaking order in a time bound manner.

Learned Counsel for respondent No.4 has no objection to the request made by learned counsel for the petitioner.

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Accordingly, in view of the above; with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.4 to consider and decide the legal notice dated 22.07.2024 (Annexure P-9) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months of the receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

In the event of non-payment of dues within the abovesaid period, the same shall be released along with interest @ 6% per annum from the date of filing of present petition to be paid to the petitioner and further subject to additional payment of costs of Rs.50,000/- to be deposited with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh. The said additional financial liability of accrued interest and costs shall be subject to recovery from the erring official.

Petition stands disposed of accordingly.

NOVEMBER 18, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No