



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

114**CWP-33649-2024****Date of Decision: 13.12.2024**

M/S MITTAL CONSTRUCTION COMPANY

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. R.K. 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 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the due amount of Rs. 83,33,093/- qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 13.09.2024, the work of Special Repair of Link Roads Patran to Khanewal in MC Patran & AC Shutrana for the year 2023-24 under MC Budget Funds (Group 2) was allotted to the petitioner vide memo No. 4157 dated 13.09.2024. The petitioner executed about 50% of the work amounting to Rs. 71,00,000/- but the petitioner was instructed to stop executing further work on the ground that the funds are not being released by the Punjab Mandi

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Board Funding Authority. For the said reasons, the petitioner stopped executing the remaining work. However, the payment of Rs. 71,00,000/- qua the work executed by the petitioner has not been released till date. That apart from the due amount of Rs. 71,00,000/- the petitioner is also entitled for 10% contractor's profit i.e. Rs. 7,33,093/- qua the balance 50% work. The petitioner is also entitled for compensation and damages amounting to Rs. 5,00,000/-, the total amount payable to the petitioner comes to Rs. 83,33,093/-. The petitioner suffered huge financial loss on account of non-execution of the remaining 50% work. The petitioner approached the respondents a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations to the respondents but no response has been received by the petitioner. Lastly, a Legal Notice dated 15.11.2024 (Annexure P-3) has been served by the petitioner upon respondent No.5-the Executive Engineer, Construction Division PWD B &R Branch, Patiala to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-the Executive Engineer, Construction Division PWD (B &R) Branch, Patiala is directed to consider and decide the Legal Notice dated 15.11.2024 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents does not oppose the prayer made by learned counsel for the petitioner.

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.5-the Executive Engineer, Construction Division PWD (B &R) Branch, Patiala to consider and decide the Legal Notice dated 15.11.2024 (Annexure P-3) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of 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 his favour 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.

DECEMBER 13, 2024

Vishal sharma

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No