
(2020) 10 P&H CK 0069

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 16360 Of 2020

M/S G.K.Construction, Ferozepur City

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 07-10-2020

Acts Referred:

Citation : (2020) 10 P&H CK 0069

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Rajesh Kumar Girdhar

Final Decision : Disposed Of

Judgement

Augustine George Masih, J

Prayer in this writ petition is for issuance of a writ of mandamus, directing the respondents to release the payment of 7th and final bill amounting to `5,12,476/- for the work of Special Repair of 5 Nos. Link Roads in Assembly Constituency Gurusarai under PIDB funds (Gr.No.2) executed by the petitioner alongwith interest @ 12% per annum. It is asserted that the petitioner has successfully executed the work, which was allotted to it and in pursuance thereof, the petitioner had even submitted the final bill. No anomaly has been pointed out by the respondents. It is asserted that despite the bill having been duly approved, the payment is not being made to the petitioner. Forced due to non payment of the dues, the petitioner served a notice through counsel dated 16.07.2020 (Annexure P-2) upon respondent Nos.3, 5 and 6 but till date no decision thereon has been taken. Counsel for the petitioner contends that the petitioner, at this stage, would be satisfied if a direction is issued to respondent Nos.3, 5 and 6 to look into and decide the legal notice dated 16.07.2020 (Annexure P-2) within some stipulated time.

Mr. Pankaj Gupta, Additional Advocate General, Punjab, who has appeared for the respondents, submits that he has no objection to the prayer made by counsel

for the petitioner.

In view of the above, without going into the merits of the case or commenting thereon, the present petition is disposed of with direction to respondent Nos.3, 5 and 6, to consider and decide the legal notice dated 16.07.2020 (Annexure P-2) within a period of two months from today and in case the claim of the petitioner is found to be genuine and correct, the amount be released to it within a further period of one month.

In case the payment is not made within a period of one month from the date of expiry of period of two months given by this Court for decision on the legal notice dated 16.07.2020 (Annexure P-2), the petitioner would be entitled to interest @ 7% per annum from the date of accrual till the date of disbursement. The said amount, which could be in the form of interest, shall be recovered from the official(s) responsible for the delay in making payment to the petitioner.