

\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10452/2017 and CM APPL. 42711-42712/2017**

K S KAMAL Petitioner

Through **Mr. Vinay Kumar, Adv.**

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through **Mr. Sunil Goel, Standing Counsel for
NDMC/R-1.**

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% 06.12.2017

Petitioner, who is said to have executed certain works at the instance of respondent-North Delhi Municipal Corporation being its enrolled contractor seeks issuance of Writ of Mandamus, with the prayer, as follows :

“(a) to issue directions to the Respondents to pass the final bills of the petitioner and release his payment/s without any further delay.

.....
.....”

Ld. counsel for the respondent-North Delhi Municipal Corporation on his part points out that the averments made in the petition are too vague and do not disclose the particulars of any contract or the bills in respect whereof, the Writ of Mandamus for

payment there-against is sought. Of course, the petition is silent on such vital aspect, but, for assertion that the works came to be executed by the petitioner in the year 2008, 2009 and 2010. Ld. counsel for the petitioner strenuously contends that the petitioner seeks payment against the works executed as per the work orders, a few of the copies whereof, are annexed to the petition. It does not require any elaboration that the petitioner is seeking directions for payment in relation to certain works executed, which, according to him, were due and payable. Whether any amount(s) is actually due and payable to the petitioner under any of the work orders or not on account of any dispute, cannot be gone in the instant proceedings, especially, in view of the fact the petition is vague as to the actual works and the purported bills, due for payment.

Keeping in view the totality of the facts and circumstances, the petition is disposed off with a direction to the respondent-North Delhi Municipal Corporation to treat the instant petition as a representation and dispose it off by a speaking order, within three months, from today, giving an opportunity of hearing to the petitioner. Liberty is also reserved to the petitioner to furnish requisite particulars as regards the work orders executed by him and/or the bills that are due and payable by the respondent-North Delhi Municipal Corporation. Petition stands disposed off accordingly.

A. K. CHAWLA, J

DECEMBER 06, 2017

rc