

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

CWP-32039-2018 (O&M)
Date of decision: 07.10.2020

Bijender Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Raman B. Garg, Advocate, with
Ms. Gitanjali Chhabra, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG Haryana.

Ms. Kushal Deep Kaur, Advocate for respondent No. 4.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CM-10045-CWP-2020

This is an application under Section 151 of C.P.C. for early hearing of the petition, which is fixed for 24.11.2020.

Notice of the application.

Learned opposite counsel have no objection, if the application is allowed.

In view of the above, the present application is allowed and the petition is preponed for today and taken up on Board for hearing.

Main case:

Prayer in the present petition under filed under Article 226/227 of the Constitution is for issuance of a writ in the nature of mandamus

directing the respondents to release the payment of about Rs. 40 lakh due on 18.04.2016, the day of acceptance of tender and 04.07.2016, the date of completion of the works interest @ 24% per annum.

Learned counsel for the petitioner states that the petitioner was assigned the work of providing & laying interlocking paver blocks in various streets of wards No. 1 to 6 and even after completion of the assigned work the payment has not been released in favour of the petitioner.

Learned counsel for the petitioner further states that the petitioner has represented the department vide representation/complaints dated 20.02.2017, 17.04.2017, 13.05.2017 and legal notices dated 13.12.2017 and 17.08.2018 (Annexure P-8) but till date no action has been taken by the department. He further states that the petitioner would be satisfied, if legal notice dated 17.08.2018 (Annexure P-8) is decided by respondent No. 4-the Secretary Municipal Committee, Pehowa, within a stipulated period.

Learned counsel for respondent No. 4 states that the process of releasing of funds is with the department and prays to file the reply.

Respondent No. 4- the Secretary Municipal Committee, Pehowa, is accordingly directed to consider and take appropriate action upon the the legal notice dated 17.08.2018 (Annexure P-8) of the petitioner. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a certified copy of this order.

If respondent No. 4 finds that the dues as claimed by the petitioner concern are lawful, the payment shall be made within a period of one month thereafter. Any belated payment beyond the stipulated period shall

carry interest @ 6.5 % per annum from the date of completion of the work till payment. On the other hand, if respondent No.4 finds that the petitioner is not entitled to the dues, as claimed by it, a speaking order shall be passed and communicated to the petitioner concern.

The writ petition is disposed of with the above directions.

No order as to costs.

07.10.2020
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No