

CWP-8432-2021 (O&M)

Through Video Conference

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

**CWP-8432-2021 (O&M).
Decided on: April 28, 2021.**

Ishwar Singh

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Amit Rana, Advocate,
for the petitioner.**

Mr.Deepak Manchanda, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, seeking a direction to the respondents to release the amount of bills dated 1.3.2017 in view of the application dated 21.7.2017, (Annexure P-4) in terms of work order dated 20.8.2014 (Annexure P-3) to the tune of Rs.16,13,341/- with interest.

On 19.4.2021, this Court had adjourned the matter wherein learned State counsel had stated that he may be granted some time to seek instructions as to whether the amount claimed by the petitioner is an undisputed claim or it is a disputed claim.

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Learned State counsel has stated that the tender filed by the petitioner was not traceable and therefore, his instructions could not be completed in that regard.

On the other hand, learned counsel for the petitioner has submitted that the amount is undisputed amount in view of the fact that out of total amount of Rs.1,16,000,00/-, major portion of the amount has already been paid and only Rs.16,13,341/- along with deduction amount of Rs.11,43,972/- totalling approximately Rs.27,57,313/- is yet to be released by the respondents. He has also submitted that the petitioner had sent a legal notice dated 26.09.2020 (Annexure P-7) to the respondents but no action has been taken on the same.

After hearing the learned counsel for the parties, this Court is of the considered view that the present petition can be disposed of at this stage with a direction to respondent No.4 to consider the legal notice dated 26.09.2020 (Annexure P-7) sent by the petitioner and to take a decision in accordance with law within a period of three months from the date of receipt of certified copy of the order.

Ordered accordingly.

It is made clear that nothing observed in this order shall be deemed to be any observation on the merits of the case and the direction is only restricted to decide the legal notice in accordance with law.

April 28, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No