

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10096-2021 (O&M)

Date of Decision: June 28, 2021

**THE HALIMWALA CO-OPERATIVE LABOUR AND
CONSTRUCTION SOCIETY LTD. PETITIONER(s)**

Versus

THE STATE OF PUNJAB AND OTHERS RESPONDENT(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.K. Girdhar, Advocate for the petitioner.

Mr. Sahil Sharma, D.A.G., Punjab,
for respondents no.1 and 2.

Ms. Deepali Puri, Advocate for respondent no.3.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this writ petition is for seeking directions to respondents to release the payment due towards petitioner who is engaged in carrying out various works for government agencies/departments.

Learned counsel for the petitioner submits that petitioner is a cooperative society and contract in question had been granted to petitioner. Work in question has been carried out and completed to the satisfaction of the authorities. Amount as claimed is admittedly due. Learned counsel submits that legal notice dated 12.04.2021 (Annexure P3) was served upon respondents and in response thereto, liability has been admitted in reply dated 26.04.2021 (Annexure P-4), wherein it is stated that payment shall be

released at the earliest, on availability of funds. However, needful has not been done till date.

Notice of motion.

Mr. Sahil Sharma, D.A.G., Punjab, accepts notice on behalf of respondents no.1 and 2. At the asking of the Court, Ms. Deepali Puri, Advocate, accepts notice on behalf of respondent no.3. Advance copy of the writ petition stand served.

Keeping in view the nature of order being passed, there is no necessity of filing any reply.

It is specifically stated in reply dated 26.04.2021, Annexure P-4, that the amount as mentioned in the legal notice are to be released by Municipal Council, Fazilka and the same shall be released at the earliest on availability of funds. Learned counsel for the respondents are unable to deny reply dated 26.04.2021.

Keeping in view the facts and circumstances of this case and in view of specific reply (Annexure P4) to legal notice issued by petitioner, but without any expression of opinion on the merits of the matter, this petition is disposed of with a direction to the competent authority to release the amount due within six weeks from receipt of certified copy of this order, failing which petitioner would be entitled to interest @ 6%.

Needless to say respondents are at liberty to move appropriate application in case any material fact has not been set forth before this Court.

Petition is disposed of accordingly.

28.06.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No