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

CWP No. 22405 of 2021

Date of Decision: 03.11.2021

M/s Bankey Bihari Contractor

-Petitioner

Versus

State of Haryana and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Alok Mittal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing respondents No.1 and 2 to release the amount of bill dated 24.12.2020 along with interest in consonance with representation dated 27.11.2020 and reminder dated 19.01.2021 filed by the petitioner.

Petitioner is a Transport Contractor at Panipat. A tender was made in the year 2020 and the petitioner was declared a successful bidder in technical and Financial Bids. Petitioner was awarded the contract for MTC Panipat during 2020-21. On 29.11.2020, respondent directed the petitioner to

transfer the Gunny Bales from Rail Head Panipat to different centres of Haryana State Warehousing Corporation. Respondent did not mention any rate of transportation of gunny bags. The rate schedule as provided by Mandi Labour Contractor was made basis for calculating the rate. As per schedule, the petitioner raised a bill of Rs.4,48,313.52/- along with necessary particulars in terms of number of gunny bales and the distance covered by the petitioner by way of transporting the goods.

Owing to inaction on behalf of the respondents, petitioner ventured to file a representation dated 27.11.2020 before the Chief Manager which was referred to respondent No.2 in due course.

Learned counsel submits that at this stage, petitioner would be satisfied in case representation dated 27.11.2020 is ordered to be decided by respondent No.2 within a specified time.

Notice of motion.

On the asking of the Court, Mr. Ashish Yadav, Addl. A.G., Haryana accepts notice on behalf of the respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon response from the respondents at this stage, as no order prejudicial to the interest

of any party is being passed.

This petition is disposed of with a direction to respondent No.2 to decide the representation of the petitioner dated 27.11.2020 in accordance with law preferably within a period of one month from the date of receipt of certified copy of this order.

In case the representation filed by the petitioner is found to be wanting on some parameters, liberty is granted to the petitioner to supplement his representation by way of new facts as well.

In case, claim of the petitioner is established and the same is found to be due to the petitioner, respondent No.2 shall proceed to answer the claim of the petitioner within a further period of 02 weeks.

03.11.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No