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

CWP No. 3434 of 2022
Date of Decision: 23.02.2022

Rasik Bihari Infratech and Construction India Pvt. Ltd.

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Khari, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing respondents No.1 to 3 to clear the entire payment to the tune of Rs.13,20,761/- qua the work done by the petitioner.

Learned counsel for the petitioner contends that Lalit Mohan Sharma is the sole proprietor of Shiv Ganga Contractor and the present petitioner.

Grievance of the petitioner is that the petitioner- firm was allotted different development works by different Gram Panchayats in the territorial limits of Municipal Corporation,

Faridabad. Petitioner has already done the development work and material was delivered in two Gram Panchayats, namely, Gram Panchayat, Neemka and Gram Panchayat, Macchgar as per resolution passed by those Gram Panchayats on different dates.

Petitioner has submitted bills for the work done, which was duly found credited by the Gram Panchayats, but the amount has not been released due to merger of the Gram Panchayats in the Municipal Corporation.

For the claim of Shiv Ganga Contractor, the said firm filed CWP No. 11659 of 2021 and the same was disposed of by the High Court vide order dated 05.07.2021 by passing the following order:-

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

Grievance raised by the petitioner in this writ petition is that payment due to him on account of works duly completed has not been released without any rhyme or reason.

Learned counsel for the petitioner submits that petitioner was allotted the work as detailed in the writ petition and the same was completed to the satisfaction of the authorities.

Representation dated 16.2.2021 was addressed to the Deputy Commissioner, Faridabad in this regard. It is further submitted that at that point of time, Deputy Commissioner, Faridabad was holding the charge of post of Commissioner, Municipal Corporation, Faridabad, therefore representation was addressed to him. However, now Commissioner, Municipal Corporation, Faridabad has been appointed.

At oral request of learned counsel for the petitioner, Commissioner, Municipal Corporation, Faridabad is impleaded as respondent No.6. Registry is directed to carry out necessary addition in the memo of parties.

Learned counsel for the petitioner submits that a comprehensive representation shall be submitted by the petitioner before the Commissioner, Municipal Corporation, Faridabad in respect to his grievance, within one week from today. At this stage, learned counsel for the petitioner restricts the prayer for a decision on said representation in a time bound manner.

Keeping in view the facts and

circumstances as well as the limited prayer addressed, but without expressing any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority that in case a representation is submitted by the petitioner within one week, the same be decided, in accordance with law by passing a speaking order, within a period of two months thereof. In case any payment is found due towards the petitioner, same be released to him within six weeks thereafter.

05.07.2021
Vivek

(LISA GILL)
JUDGE"

Learned counsel for the petitioner submits that petitioner would be satisfied in case similar directions are issued in the present case as well.

Notice of motion.

On the asking of the Court, Mr. Vivek Chauhan, Addl. A.G., Haryana accepts notice on behalf of respondents No.1 to 3.

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 take an appropriate decision on pending representation (Annexure P-5) filed by the petitioner and decide the same in accordance with law preferably within a period of two months from the date of receipt of certified copy of this order.

If respondent No.2 ultimately comes to the conclusion that the petitioner is entitled for the amount in question, the same be paid forthwith within a further period of one month. In case, the amount in question is not paid within the aforesaid period of one month, thereafter, the petitioner shall be entitled to interest @ 6% per annum for the delayed payment thereafter till final realization of the amount.

23.02.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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