

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

229

CWP-6254-2021 (O&M)
Date of Decision: 18.11.2022

M/S V.H. ENTERPRISES

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 and 2.

Mr. Nikhil Ghai, Advocate for
Mr. Bhavpreet Singh Datt, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to make payment of Rs.79,93,400/- alongwith interest @ 12% per annum including earnest money qua the work of maintenance and operation of tubewells executed by the petitioner.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. During the years 2014 and 2016, certain works of maintenance and operation of tubewells were allotted to the petitioner for a period of 18 months. Even though the petitioner completed the said work, however, the payment and earnest money of these works has not been released till date. The details of the works executed by the petitioner are given in tabulated form in paragraph No.3 of the petition.

It is further submitted that there is no dispute with regard to the works executed by the petitioner and with regard to the payment due to him. The petitioner approached the respondents on a number of occasions for seeking the release of his due amount, but all in vain. The petitioner served a number of representations followed by a legal notice dated 05.02.2021 (Annexure P-6) served upon respondents No.2 & 3, but the due payment has not been released till date.

Ms. Niharika Sharma, AAG, Punjab enters appearance on behalf of the respondents No.1 and 2 and submits that the reply on behalf of the said respondents has already been filed.

On the other hand, Mr. Nikhil Ghai, Advocate for Mr. Bhavpreet Singh Datt, Advocate appears on behalf of respondent No.3 and prays for some time to file reply.

Learned counsel for the petitioner, however contends that he would be satisfied at this juncture in case the respondent No.3 is directed to decide the legal notice dated 05.02.2021 (Annexure P-6) expeditiously and in a time bound manner.

The aforesaid prayer made by the learned counsel for the petitioner is not objected to by the learned counsel for the respective respondents.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition stands disposed of with a direction to respondent No.3 to consider and decide the legal notice dated 05.02.2021 (Annexure P-6) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

18.11.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

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