

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

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**CWP-8309-2021 (O&M)  
Date of Decision: 18.11.2022**

**M/S KAKAR ALLIANCES**

... Petitioner

**VERSUS**

**STATE OF HARYANA AND OTHERS**

... Respondents

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

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

Mr. Vivek Chauhan, Addl. A.G., Haryana.  
for respondent No.1.

Mr. Udit Garg, Advocate for respondents No.2 and 3.

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**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.2,99,520/- alongwith interest @ 12% per annum including earnest money qua the work of supply of 200 Garbage Tri-Cycle Rickshaw with partition for dry and wet waste, 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. It is further averred that on 22.10.2020, the petitioner submitted a technical bid for supply of 200 Garbage Tri-Cycle Rickshaw with partition for dry and wet waste. After completion of all types of formalities, the bid of the petitioner was accepted on 05.11.2020 and work order/supply No.7002/MCK dated 06.11.2020 was issued in favour of the petitioner. It is further averred that in lieu of the aforesaid work,

the petitioner raised multiple invoices/bill. The details of such bills/invoices have been duly given tabulated form in paragraph No.11 of the petition. However, while making final payment, a sum of Rs.2,31,520/- had been deducted on account of alleged delay in supply of material. However, there was no such delay as the petitioner had supplied the requisite material within stipulated period of fifteen days after receipt of inspection letter. As such, the action of the respondents in deducting the aforesaid amount is wholly arbitrary, illegal and unsustainable in the eyes of law. Apart from above, a sum of Rs.68,000/- (paid as earnest money to the respondents) has also been withheld by the respondents. As such, the respondents are liable to pay a sum of Rs.2,99,520/- (Rs.2,31,520/- + Rs.68,000/-). The petitioner moved various representations seeking release of his payment, but all in vain. Finally, the petitioner served a number of representations followed by a legal notice dated 21.02.2021 (Annexure P-12) served upon respondent No.3, but the due payment has not been released till date.

Mr. Vivek Chauhan, Addl. A.G., Haryana enters appearance on behalf of respondent No.1, whereas Mr. Udit Garg, Advocate has appeared and filed power of attorney on behalf of respondents no.2 and 3; and they pray for some time to file their respective responses.

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 21.02.2021 (Annexure P-12) 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 State Counsel.

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 21.02.2021 (Annexure P-12) 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