

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

**114**

**CWP-17978-2022 (O&M).  
Date of Decision: 29.11.2022.**

**The Saroop Singh Wala Labour and Construction Society Ltd.**

... Petitioner

Versus

**State of Punjab and others**

... Respondents

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

Present: Mr. Manpreet Singh, Advocate, for  
Mr. Parvez Chugh, Advocate,  
for the petitioner.

**VINOD S. BHARDWAJ, J. (ORAL)**

The instant writ petition has been preferred by the petitioner 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 the balance payment of Rs.15,00,000/- approximately along with interest @ 12% per annum.

The petitioner is a registered Labour and Construction Society having been assigned the work of laying Bhatta Road Basti, New Church, adjoining Street, Estimate Rs.16.12. lacs, and laying RMC pending work Faridkot Road, adjoining Street, Estimate Rs.27.70 lacs in the year 2017.

Learned counsel for the petitioner contends that 40% of the aforesaid work of laying Bhatta Road Basti, New Church, adjoining Street, and laying RMC pending work Faridkot Road, adjoining Street, i.e. brick

work/Gatka, Pipes and road Gali (Haudies) was completed and the part payment was released. However, the rest of the payment has been wrongly withheld. It is submitted that in the meanwhile the entire country was put under lockdown in March 2020 and the work was not allowed to be done and respondent No.3 cancelled the above mentioned work vide letter dated 10.06.2020 (Annexure P-1) which was duly replied by the petitioner vide letter dated 20.06.2020 (Annexure P-2). It is contended that the respondents thereafter neither allowed the petitioner to complete the work nor made the remaining payment of the work done by the petitioner. He further contends that in this regard, a legal notice dated 03.06.2022 has been sent by the petitioner vide Annexure P-3 and that despite a lapse of about five months since the date of legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He contends that he would be satisfied in case the respondent authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondent No.1 – State and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment would thus also be on the panel of all the statutory Boards and corporations of the State of Punjab, is requested to and accepts notice on behalf of respondents No.2 and 3 and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.3 - the Executive Officer, Municipal Corporation, Guruharsahai, District Ferozepur, is directed to take note of the legal notice dated 03.06.2022 (Annexure P-3) filed by the petitioner and to pass a speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

November 29, 2022.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No