

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

121

CWP-18979-2022 (O&M)
Date of Decision: 13.09.2022

THE DYNAMIC CO-OP. L & C SOCIETY LTD.

... Petitioner

Versus

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

CM-14285-CWP-2022

This is an application for placing on record the true translated copies of letter dated 30.03.2022 (Annexure P-5) and letter dated 18.04.2022 (Annexure P-6) and for exemption from filing the certified copies thereof.

For the reasons mentioned in the application the same is allowed as prayed for, subject to all just exceptions.

Annexures P-5 and P-6 are ordered to be taken on record. Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

MAIN CASE

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents to make the payment of almost Rs.12,00,000/- on account of the work of installing statues at different places in District Moga, which was executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the Municipal Corporation, Moga had passed a Resolution No.85 dated 29.10.2021 in its House and thereafter a letter was sent to the Local Government, Punjab on 23.11.2021. The work of installing the statues was allotted to the petitioner vide work order No.45/11 dated 09.11.2021. As against the estimated costs of the work at Rs.14.90 lacs, the petitioner had submitted a bid of Rs.12 lacs.

Upon allotment of the said work, two statues of Maharaja Aggarsen and S. Jassa Singh Ramgarhia were installed by the petitioner without any complaint and to the complete satisfaction of the respondent authorities. He contends that despite due execution of the entire work to the satisfaction of the supervisory staff, the due payment has not been released in favour of the petitioner. Various reminders were sent on 27.03.2022 and 20.07.2022 and representation dated 17.01.2022 is appended as Annexure P-3 alongwith the present petition. He further draws attention of the Court towards the letter written by the Commissioner, Municipal Corporation to the Department of Local Government in this regard on 30.03.2022, wherein the execution of the work is duly admitted and acknowledged.

Learned counsel contends that he would be satisfied at this juncture in case the respondent No.3 i.e. Commissioner, Municipal Corporation, Moga is directed to look into the representation (Annexure P-3) submitted by the petitioner and to pass a reasoned and speaking order thereupon after affording the opportunity of hearing to the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1 and seeks time to complete instructions. However, being Addl. Advocate General, he is *ex officio* on the panel of all State Government instrumentalities and as such, he

is being directed to accept notice on behalf of the remaining respondents also, even though a separate panel may have been prepared by such Local Bodies/Government.

In view of the above, the present petition is disposed of with a direction to the respondent No.3 to look into the representation/notice (Annexure P-3) and the reminders sent by the petitioner and to pass a reasoned and speaking order thereupon within a period of three months from the date of receipt of certified copy of this order after granting the opportunity of hearing to the concerned parties.

Needless to mention that in the event any amount is found payable to the petitioner upon consideration of the representation, the same would be disbursed to the petitioner within a period of three months thereafter. It is further directed that in the event the payment, so found due, is not released within the aforesaid period, the same shall carry interest at the rate of 6% per annum from the date of filing of the petition till its actual realization.

Present petition stands disposed of accordingly.

13.09.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No