

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

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**CWP-19935-2022
Date of Decision: 05.09.2022**

M/S K.C. STONE CRUSHING COMPANY AND OTHERS

... Petitioners

Versus

UNION OF INDIA AND ANOTHER

... Respondents

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

Present: Mr. Sameer Sachdeva, Advocate
for the petitioners.

Mr. Somesh Gupta, Sr. Panel Counsel
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

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 forthwith release the admitted pending dues of the petitioner company i.e. Rs.2,30,872/- regarding which the bill had already been submitted, as well as to refund the security amount and other pending expenses.

Learned counsel for the petitioner contends that petitioner company deals in the business of supplying of minerals i.e. grit/rodi, sand and stone to its clients within the state of Haryana. He further contends that in the year 2013, the respondents had allotted the work of supplying material i.e. machine crushed stone ballast used for construction of road vide a valid tender and the petitioner company deposited the security amount also as per the demands of the respondents. Pursuant thereto, the petitioner company supplied the requisite material in the month of July and August 2022 worth Rs.2,30,872/-. Furthermore, as on date, the petitioner company has duly accomplished the work allotted to it. However, despite the same, the respondents are not making the payment of aforesaid amount to the petitioners. He further contends that various request oral as well as written including a legal notice dated 15.08.2022 (Annexure P-6) have been made by the petitioners but no action has been taken thereupon till date.

Notice of motion.

Mr. Somesh Gupta, Sr. Panel Counsel enters appearance and accepts notice on behalf of the respondents and seeks time to file response.

However, learned counsel for the petitioners contends that at this stage, he would be satisfied if the respondent No.2 is directed to consider the legal notice dated 15.08.2022 (Annexure P-6) and pass a speaking order thereupon within a time bound manner.

Learned Sr. counsel for the respondents does not oppose the innocuous prayer made by the learned counsel for the petitioners.

Accordingly, the present petition is, hereby, disposed of with a direction to the respondent No.2 to consider and decide the legal notice dated 15.08.2022 (Annexure P-6) by passing a speaking and well reasoned order within a period of two months from the date of receipt of certified copy of this order.

Needless to mention that if the claim of the petitioners is found to be genuine and payment sought to be paid by the petitioner stands undisputed, then the same shall be disbursed to the petitioner within a further period of two months from the date of decision of the legal notice dated 15.08.2022 (Annexure P-6), failing which the interest at the rate of 7% per annum shall entail from the date of expiry of stipulated period till actual realization.

Petition stands disposed of accordingly.

05.09.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No