

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

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CWP-20536-2022

Date of Decision: 14.11.2022

**THE KUNDAL CO-OPERATIVE LABOUR & CONSTRUCTIONS
SOCIETY LTD.**

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

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

Mr. Karan Vir Singh, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of Rs.2,03,17,068/- including security etc. alongwith interest @ 12% per annum qua the works undertaken 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 2020 to 2022, certain works were allotted to the petitioner and the same have also been completed by the petitioner within stipulated time frame but the balance payment, security etc. qua the works executed by the petitioner has not been released till date. The details of the works executed by the petitioner duly given in tabulated form in paragraph No.2 of

the petition. He further contends that there is no dispute with regard to the amount payable to the petitioner and as such, the action of the respondent No.3 in not releasing the amount in question is totally illegal, arbitrary and unsustainable in the eyes of law. He further contends that the petitioner visited the office of the respondent No.3 on a number of occasions but the respondent did not release the amount in question. Further, the petitioner made several representations followed by a legal notice dated 20.07.2022 (Annexure P-3) which has recently been served upon the respondent No.3 but no action has been taken thereupon till date.

Pursuant to the notice issued by the Court, Mr. Saurav Verma, Addl. A.G., Punjab has appeared on behalf of respondents No.1 and 2, whereas Mr. Karan Vir Singh, Advocate has put in appearance on behalf of respondent No.3 and they seek time to complete instructions and file their respective response(s).

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.3 is directed to consider and decide the legal notice dated 20.07.2022 (Annexure P-3) in a time bound manner.

Both the learned counsel for respective respondents do not oppose the prayer made by the learned counsel for the petitioner.

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 is disposed of while directing the respondent No.3 to consider and decide the legal notice dated 20.07.2022 (Annexure P-3) 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.

14.11.2022
Rajender

(VINOD S. BHARDWAJ)
JUDGE

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