

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

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CWP-20522-2022.
Date of Decision: 09.09.2022.

The Dashmesh Cooperative Labour and Construction Society Ltd.

... Petitioner

Versus

The 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.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of Rs.1,86,56,246/- including security and earnest money qua the various works executed by the petitioner along with interest @ 12% per annum .

The petitioner claims to be Government Contractor having been assigned the work of aforesaid construction vide various work orders.

Learned counsel for the petitioner contends that the work of constructions of roads at Shiv Nagar, and Bhagat Singh, construction of roads at Pannu Vihar ARMY Public School and repair of Street W.No.62 and others works detailed in paragraph 2 of the present petition stand successfully executed, however, the payment against the execution of the

aforesaid works has not been released, even though the final bills submitted by the petitioner already stand approved by the competent authority. He further contends that in this regard, a legal notice dated 20.07.2022 has been sent by the petitioner vide Annexure P-3 and that despite a lapse of about two 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 legal notice 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.

On the asking of the Court, Mr. Saurav Verma, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondents and he has no objection to the present petition being disposed off with directions to the respondents to pass a speaking order on the legal notice dated 20.07.2022 (Annexure P-3) sent by the petitioner.

Accordingly, with the consent of the parties, the present petition is disposed off and the respondent No.3- the Commissioner, Municipal Corporation, Jalandhar, is directed to take note of the legal notice dated 20.07.2022 (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. Failure to release the said undisputed payment within the aforesaid stipulated time frame, once found due, shall attract interest at the rate of 6% per annum till the date of actual realization.

Petition stands disposed of accordingly.

September 09, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No