

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

115

CWP-21712-2022

Date of decision: 21.09.2022

**THE DAKOHA 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.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 3,09,55,000/- including security qua the works executed by the petitioner alongwith interest @ 12% P.A.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted various works during the years 2020 to 2022 and the same have also been completed. However, the balance payment alongwith the security qua works satisfactorily executed has not been released. The details of the payment which the petitioner claims to be outstanding are tabulated as under:-

Sr. No.	Details of the works	Amount Payable
1	P/F M.S. Sheet and angle on road side of Lal Pahari Wala Mandir Work Order No. 81 dated 07.10.2020 Date of Completion: 06.12.2020	Security Rs. 40,000/-
2	Annul Maintenance of Streets, Drain Park W. No. 38 Work Order No. 127 dated 05.01.2021 Date of Completion: 14.07.2021	Security Rs. 1,00,000/-
3.	Const. Of CC Streets in Bhargo Camp Work Order No. 10 dated 29.04.2021 Date of Completion : 07.06.2021	Security Rs. 2,00,000/-
4.	Const. of CC Streets near K.P. Park and Adj. Streets	Due Payment Rs. 15,00,000/-
5.	Const. of CC Streets in Sethi Wali Gali	Security Rs. 2,50,000/-
6.	Maintenance of Roads & Park in W. No 77 Work Order No. 216 dated 07.01.2022 Date of Completion : 28.09.2022	Due Payment Rs. 10,00,000/-
7.	Maintenance of Roads & Park in W. No 72 Work Order No. 220 dated 07.01.2022 Date of Completion : 26.10.2022	Due Payment Rs. 10,00,000/-
8.	Maintenance of Roads & Park in W. No 47 Work Order No. 221 dated 07.01.2022 Date of Completion : 13.08.2022	Due Payment Rs. 10,00,000/-
9.	Maintenance of Roads & Park in W. No 45 Work Order No. 223 dated 07.01.2022 Date of Completion : 14.09.2022	Due Payment Rs. 10,00,000/-
10.	Maintenance of Roads & Park in W. No 02 Date of Completion : 2021	Due Payment Rs. 10,00,000/-
11.	Maintenance of Roads & Park in W. No 70 Date of Completion : 12.11.2021	Due Payment Rs. 10,00,000/-
12.	Maintenance of Roads & Park in W. No 69 Date of Completion : 12.11.2021	Due Payment Rs. 10,00,000/-
13.	Const. of CC Streets in Ravidass Nagar, Amandeep Avenue W.No. 80, Work Order No. 13 dated 11.09.2022 Date of completion: 15.02.2021	Due Payment Rs. 3,80,000/-

14.	Const. of CC Streets in Kalia Colony & Kalia Farm W. No.2 Work Order No. 11 dated 11.09.2022 Date of completion: 15.02.2022	Due Payment Rs. 5,20,000/-
15.	Const. of CC Streets in Navyug Colony W.No. 79 Work Order No. 16 dated 11.09.2020 Date of completion: 09.11.2020	Due Payment Rs. 1,00,000/-
16	Const. of CC Streets in Ashok Vihar W.No. 1 Work Order No. 25 dated 28.09.2022 Date of completion: 27.10.2022	Due Payment Rs. 50,000/-
17.	Const. of CC flooring in streets in Bchint Nagar Hargobind Nagar & Streets in Village Reru W.No.4 Work Order No. 32 dated 13.10.2020 Date of completion: 04.03.2022	Due Payment Rs. 16,00,000/-
18.	Const. of Park in Village Reru W. No. 4 Work Order No.12 dated 11.09.2022 Date of Completion : 14.04.2021	Due Payment 4,00,000/-
19.	Const. of CC flooring in streets in Shivrajgarh & Rasta Mohalla W.No.54 Work Order No. 10 dated 11.09.2020 Date of Completion : 30.03.2022	Due Payment Rs. 4,20,000/-
20.	Const. of CC streets in Purani Kacheri & Fatehpuri Work Order No. 22 dated 28.01.2019 Date of Completion : 21.10.2022	Security Rs. 1,12,000/-
21	P/F Barbed Wire on boundary Wall of MCJ Workshop Near Lamba Pind Chowk Gen. Work Order No. 78 dated 21.12.2020 Date of Completion : 01.03.2021	Due Payment Rs. 3,00,000/-

22.	P/L of Cement Concrete M-30 on road of Baba Balal Nath Nagar adjoining Bhagat Singh Colony W.No. 64 Work Order No. 236 dated 06.09.2021 Date of Completion : 07.01.2022.	Security 3,00,000/-	Rs.
23.	Const. of various CC Streets in Gurudwara Singh Sabha (New Railway Road) W. N.54 Work Order No. 250 dated 06.09.2021 Date of completion : 07.11.2021	Security 60,000/-	Rs.
24.	Const. of CC Road in Surat Nagar in W. No. 80 Work Order No. 396 dated 22.12.2021 Date of completion : 14.04.2022	Due Payment Rs. 35,00,000/-	
25.	P/L of CC in the street of Shiv Nagar W.Np.64	Due Payment Rs. 10,00,000/-	
26.	Annual Maintenance of Streets, Drain & Park IN W. no. 61 Work Order No. 76 dated 21.12.2020 Date of completion : 18.09.2021	Security Rs. 80,000/-	
27.	P/L of 60 mm interlocking tiles in Pannya Vihar Work Order No. 162 dated 15.12.2021 Date of completion : 14.04.2022	Due Payment Rs. 93,00,000/-	
28.	Const. of CC Streets in Near Kot Saqid W.No. 41 Work Order No. 886 dated 16.11.2021 Date of completion : 03.04.2022	Due Payment Rs. 23,16,000/-	
29.	Maintenance of Roads & Park in W. No. 76 Work Order No. 886 dated 16.11.2021 Date of completion : 03.04.2022	Due Payment Rs. 10,00,000/-	

30.	Const. of Footpath adjacent to Maqsudan Flyover ner Amandeep Avenue	Security 1,30,000/-	Rs.
	Work Order No. 104 dated 06.01.2021 Date of completion : 30.03.2022		
	Grand Total	Rs. 3,09,55,000/-	

It is contended that the bills with respect to the aforesaid work have already been sent to the respondent and several representations have been made by the petitioner including the legal notice last submitted on 28.07.2022 to the respondent No.3- Municipal Corporation, Jalandhar through its Commissioner.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3- Municipal Corporation, Jalandhar through its Commissioner is directed to look into the legal notice and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Saurav Verma, Addl. A.G. Punjab, by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondent No.3.

Learned counsel appearing on behalf of respondent No.3 has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed with consent

and without commenting on the merits of the claim, with a direction to respondent No.3- Municipal Corporation, Jalandhar through its Commissioner to examine the grievance espoused by the petitioner in the legal notice and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 21, 2022

Vishal sharma

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