

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

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**CWP-22654-2022 (O&M).
Date of Decision: 29.09.2022.**

M/s V.K. Construction

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Mahir Sood, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana,
for respondent No.1.

Mr. Vivek Chauhan, AAG, Haryana,
for respondent Nos.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to constitute the Standing Empowered Committee in terms of Clause 24.2 of the DNIT (Annexure P-1) so that the dispute raised by the petitioner/contractor can be adjudicated and the petitioner can avail all his legal remedies in accordance with law.

Learned counsel appearing on behalf of the petitioner has pointed out that after filing the present petition, he has now received a Whatsapp message from the concerned authorities that the Empowered Standing Committee for settlement of the dispute has already been constituted vide order dated 25.11.2021, and the endorsement in favour of

the petitioner is dated 25.07.2022, however, communication thereof has been received through Whatsapp only on 26.09.2022. He contends that the representation/appeal (Annexure P-11) preferred by the petitioner for adjudication by the Standing Empowered Committee was submitted on 05.01.2021 and that he would be satisfied in case the Standing Empowered Committee is called upon to expeditiously look into the grievances espoused by the petitioner and a speaking order is passed thereupon in accordance with law and in a time bound manner considering the fact that the agreement stipulates adjudication by the Standing Empowered Committee within a period of ninety days as per Clause 24.4 of the Conditions of Contract.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana, accepts notice on behalf of respondent No.1 – State and Mr. Vivek Chauhan, AAG, Haryana, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to and accepts notice on behalf of respondent Nos.2 to 4, and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present writ petition is disposed of. Taking into consideration the fact that representation/appeal has remained pending for a period of more than a year even though the time prescribed for adjudication of such representation/claims/appeals is ninety days for the Standing Empowered Committee, it is directed that every endeavour shall be made for expeditious adjudication of the said claim/representation/appeal after affording an opportunity of hearing to the

petitioner and preferably within a period of three months from the date of receipt of certified copy of this order.

29.09.2022
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(VINOD S. BHARDWAJ)
JUDGE

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