

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

132

CWP-22220-2022

Date of Decision: 29.10.2022

THE BARGARI CO-OP. L & C SOCIETY LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

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 make the payment of Rs.8,43,462/- including security amount of Rs.5,98,228/- on account of works executed by the petitioner, alongwith interest @ 12% per annum.

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. On 29.12.2020, the work of P/Laying Interlocking Tiles 80 MM thick on main road (left side) berms from bus Stand to Government Senior Secondary School (Boys), Mudki was allotted to the petitioner vide work order No.11/45 dated 29.12.2020. The estimated cost of this work was Rs.38.51 lacs and the petitioner was allotted this work at -08.55% below the estimated cost. On the same day i.e. 29.12.2020, similar work was allotted to the petitioner to be done on Road Berms (right side) from Malha Chowk to Cremation Ground, Ward No.1, Mudki vide work order No.14/45 dated 29.12.2020. The estimated cost of this work was Rs.27.15 lacs and the petitioner was allotted this work at -09.83% below the estimated cost.

Thereafter, the petitioner completed the said works within the stipulated time frame. He further contends that despite timely and satisfactory execution of the works, the payment in lieu thereof has not been released by the respondents-Department while giving reasons that the funds are not available. It is, however, further submitted that when the payment of the above said works was made by the respondent-Department, an amount of Rs.5,98,228/- has been deducted from the security deposited by the petitioner and an amount of Rs.2,45,234/- is still outstanding towards the final payment of the works executed by the petitioner. He thus contends that a total amount of Rs.8,43,462/- is payable by the respondents-Department to the petitioner. The petitioner visited the office of the respondents-Department for a number of occasions and made repeated requests and representation for the release of the abovesaid amount but all in vain. Finally, on 02.06.2022, the petitioner made a representation to respondent No.2 seeking redressal of his grievances but no action has been taken thereupon till date.

Notice of motion.

Mr. K.S. Kang, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent No.1 and Mr. Saurav Verma, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of respondent No.2 and they pray for some time to complete their instructions and file responses.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.2 is directed to consider and decide the representation dated 02.06.2022 (Annexure P-10) in a time bound manner.

Learned counsel for the respective respondents did not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, the present petition is disposed of while directing the respondent No.2 to consider and decide the representation dated 02.06.2022 (Annexure P-10) by passing a reasoned and speaking order after affording an opportunity of hearing to the petitioner, 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 representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in his favour within a further period of three months.

29.10.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No