

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

133

**CWP-22716-2022 (O&M).
Date of Decision: 29.09.2022.**

The Janta Dhale Ke Co-op, L & C Society Ltd. Moga.

... Petitioner

Versus

The 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 writ petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to make the payment of pay Rs.20,55,370/- on account of the outstanding payment along with security and earnest money deposited on account of 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 laying of interlocking tiles in Ward No.40 Moga, and P/Laying of interlocking tiles and close drain water PVC Pipe and also of laying of interlocking tiles on side berm Nanak Nagri upto Gurudwara Thanedar Ranjit Singh and various other works as detailed in the present petition which stand successfully executed, however, the payment against the execution of the aforesaid and various other 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 representation dated 17.08.2022 has been sent by the petitioner vide Annexure P-20 and that despite a lapse of about one month since the date of representation 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 representation 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.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondent No.1 – State and Mr. Saurav Verma, Addl. A.G., Punjab, who 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 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 petition is disposed of and respondent No.3 - the Commissioner, Municipal Corporation, Moga, District Moga, is directed to take note of the representation dated 17.08.2022 (Annexure P-20) 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 29, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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