

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

131

CWP-24063-2022

Date of Decision: 18.10.2022

FIRM M/S RSD ECO SENSE CONSTRUCTIONS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Peeush Gagneja, 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 respondent-Department to release the remaining payment of Rs.2,24,816/- plus security alongwith interest for delayed period.

Learned counsel for the petitioner contends that the petitioner is aggrieved of the inaction on the part of the respondent Authorities, because the petitioner had executed the contractual work of garbage and waste lifting and dumping from second points, allotted by the respondent department, between the period from 06.06.2020 to 25.06.2020, within the area of the Municipal Council (Now Municipal Corporation) Abohar, however, against the aforesaid work, no payment has been released to the petitioner. It is further submitted that against the bill of Rs.4,47,174/- submitted by the petitioner, an amount of Rs.4,24,816/- was approved, out of which an amount of Rs.2,00,000/- was released in the month of August, 2020 but the remaining amount has not been released so far. Petitioner made several requests to the respondent-authorities to release the balance amount of Rs.2,24,816 but all in vain. Finally, the petitioner was constrained to serve a legal notice dated

02.08.2022 (Annexure P-4) upon the respondents but the requests did not pay

any heed towards the same nor did they make the payment of the outstanding amount till date.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent No.1 and seeks time to complete instructions.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.2 &3.

He accepts notice on the asking of the Court on behalf of the respondents No.2 & 3.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.3 is directed to consider and decide the legal notice dated 02.08.2022 (Annexure P-4) in a time bound manner.

Both the learned State counsel do not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, the present petition is disposed of with the consent of the parties and without commenting on the merits of the case, with a direction to the respondent No.3 to consider and decide the legal notice dated 02.08.2022 (Annexure P-4) 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 legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

18.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

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