

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

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CWP-24152-2022

Date of Decision:16.11.2022

Dharminder Singh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

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

**Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioner.**

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India, 1950 is for issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to release the due amount qua the work executed by the petitioner along with interest @ 12% per annum.

Briefly, the facts of the present petition are that the petitioner is a Government contractor and has executed various works assigned to it by the respondents from time to time. Certain works were allotted to the petitioner, details of which have been mentioned in paragraph No.2 of the present petition and the same have been duly completed as per PWD specifications and there is no dispute with regard to the works executed and aforesaid security amount payable to the petitioner. The bills have been

passed but respondent No.3 is not releasing due payment to the petitioner. He has served number of representations as well as legal notice dated 01.08.2022 (Annexure P-3) to respondent No.3 but no action has been taken thereupon.

Learned counsel appearing on behalf of the petitioner contends that at this stage he would be satisfied, in case, the representation including the legal notice dated 01.08.2022 (Annexure P-3) is directed to be decided by respondent No.3 by passing a speaking order in accordance with law.

Notice of motion.

Ms. Niharika Sharma, A.A.G., Punjab, who is present in Court accepts notice on behalf of respondent Nos.1 and 2. Mr. Saurav Verma, Addl. A.G., Punjab, would be deemed to be on the panel of all statutory Boards and Corporations of the State of Punjab by virtue of his appointment is requested to accept notice on behalf of respondent No.3.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of respondent No.3. They have no objection to the above prayer being allowed.

Accordingly, with the consent of the parties, the present civil writ petition is disposed of with a direction to respondent No.3-The Municipal Council, Sunam, District Sangrur through its Executive Officer to take note of the representation including legal notice dated 01.08.2022 (Annexure P-3) served by the petitioner and to pass a speaking and reasoned order in accordance with law, preferably within a period of three months from the date of receipt of a certified copy of this order after granting an opportunity of hearing to the respective parties.

If the entitlement of the petitioner is established upon

consideration of the claim and verification of the record, then the payment be released to him within a further period of three months thereafter.

Petition is disposed of.

November 16 , 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No