

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

121

CWP-24653-2022
Date of Decision: 27.10.2022

**THE VISHAVKARMA COOPERATIVE LABOUR AND
CONSTRUCTION SOCIETY LTD.**

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. Simrandeep S. Sandhu, Advocate
for respondents No.2 to 5.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the pending payment of Rs.9,42,867/- alongwith interest to the petitioner for the works completed by the petitioner.

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. The respondents have allotted work of extension of SHB at 66 KV Sub Station Longowal to the petitioner. He further submitted that the said work was passed with the allotment amount of Rs.13,36,884/- but the total cost of the said work was Rs.30,03,101/-. The petitioner completed the said work for a total amount of Rs.22,79,751/-. The final bill was prepared and has already been passed by the respondents. He further submitted that the allotment

amount of the said work was Rs.13,36,884/-, but the petitioner has spent a sum of Rs.22,79,751/- for completion of the said work. As such, the pending amount of Rs.9,42,887/- has not been paid by the respondents, even though the aforesaid work was completed satisfactorily and well within time. The petitioner made several requests to the respondents, but the respondents gave false assurance to the petitioner that the bill will be cleared, but despite repeated requests, the payment of balance amount has not been made by the respondents. At last, the petitioner was compelled to serve a legal notice dated 31.08.2022 (Annexure P-4), but till today, no action has been taken thereupon.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of respondent No.1 and Mr. Simrandeep S. Sandhu, Advocate accepts notice on behalf of remaining respondents. They pray for some time to complete instructions and file their respective responses.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.5 is directed to consider and decide the legal notice dated 31.08.2022 (Annexure P-4) in a time bound manner.

Learned State counsel did not oppose the innocuous 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.5 to consider and decide the legal notice dated 31.08.2022 (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 his favour within a further period of three months.

27.10.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

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