

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

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CWP-25057-2022

Date of decision: 01.11.2022

THE MOTI WAL CO.OP. LABOUR & CONSTRUCTION SOCIETY
LTD.

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- None.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India in the nature of Mandamus for seeking issuance of direction to respondents to release the balance dues as well as earnest money deposit alongwith security to the petitioner since the work allocated to the petitioner has already been concluded in terms of the allotment letter.

Local Bar Association is abstaining from work today.

Briefly summarized the claim of the petitioner who is working as a Government contractor is that he was allotted work for laying of interlocking tiles under the supervision of respondent No.5. The work was to be executed from Monty P.A. House to Gurdwara Sahib and PNB Chowk to Bhola M.C. Street. The total amount of the contract was Rs.19,13,940/- as per the allotment letter dated 18.07.2021 (Annexure P-1).

It is contended in the petition that the said work was duly completed by the petitioner within the prescribed time schedule with no

complaint as regards the satisfactory execution of the said work. It is averred that despite satisfactory execution, the payment in question has not been released. Resultantly, a representation dated 29.11.2021 (Annexure P-2) was served upon the respondent-Executive Officer of the Municipal Council, Guruharsahai.

Taking into consideration the claim raised in the present petition and the fact that a representation for redressal of the grievance has already been submitted by the petitioner to the Executive Officer of the Municipal Council, Guruharsahai, it would be appropriate to direct the said authority to take a decision on such representation.

Hence, without commenting on the merits of the present claim or the admissibility of the claim, the present petition is disposed of directing respondent No.3-Executive Officer of the Municipal Council, Guruharsahai to look into the grievance espoused by the petitioner vide representation dated 29.11.2021 (Annexure P-2) and to pass a reasoned and speaking order thereupon after affording an opportunity of hearing to the respective parties. The decision in this regard shall be taken preferably within a period of 03 months.

In the event any amount is found due and payable to the petitioner, upon such consideration, the amount shall be released forthwith and preferably within a period of 03 months thereafter.

The present petition is disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 01, 2022

Vishal sharma

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