

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

228

CWP-30082-2019

Date of Decision: 02.12.2022

M/S MANISH KUMAR ENTERPRISES

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. R.P. Singh Ahluwalia, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. S.K. Tripathi, Advocate for
Mr. Ashish Yadav, Advocate
for respondents No.2 to 4.

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 respondents to release the balance payment of Rs.55,17,365/- alongwith interest @ 18% per annum qua the works done by the petitioner.

Learned counsel for the petitioner contends that the petitioner was allotted the work of maintenance of street lights of Ambala City Zone and HUDA Zone, vide order dated 02.09.2019 for the period from 01.02.2019 to 31.08.2019 vide memo No.65/2346. The petitioner completed the work worth Rs.55,17,365/- and only an amount of Rs.5,67,710/- has been paid to the petitioner. When the petitioner approached the respondent No.2- Senior

Accounts Officer to seek his payment, the respondent No.2 threatened him to commit suicide. The petitioner is under great mental stress and agony. Finally, the petitioner served a legal notice dated 11.09.2019 (Annexure P-1) to clear the amount of Rs.50,17,365/- alongwith interest @ 18% per annum but no action has been taken thereupon till date.

Notice of motion was issued in the matter on 29.01.2020 but the formal replies have not yet been filed.

Learned counsel for the respective respondents pray for some more time to file their respective responses.

On the other hand, 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 11.09.2019 (Annexure P-1) in a time bound manner.

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

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.3 to consider and decide the legal notice dated 11.09.2019 (Annexure P-1) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties 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 failing which the amount so found due shall carry interest @ 6% per annum from the date of filing of the petition till actual disbursement.

The petition is accordingly disposed of.

02.12.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No