

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

141

CWP-27933-2022

Date of Decision: 05.12.2022

YASHWANT SINGH CONTRACTOR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Ms. Vibha Nagar, Advocate for
Mr. Deepak Saini, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

Mr. Sudeep Mahajan, Advocate and
Ms. Saachi Mahajan, 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 consider the claim of the petitioner and the amount claimed by the petitioner in the final bill and the other amount of security etc. may be directed to be released alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner was allotted the work of Construction of Firni and connecting roads with RMCM-40 in village Kadipur (Ward No.13) Gurugram by the respondent No.4 for a total cost of Rs.80.86/- lacs with start date 19.12.2018 and the work was completed in all respects on 28.05.2021. The petitioner was made the payment

of running account bills after deducting 5% security which is lying in the deposit account of MCG. After completion of the work to the satisfaction of the respondents-Department, the fourth and final bill was raised by the petitioner amounting to Rs.69,74,406/- gross amount and the net amount after deduction of 1st to 3rd running bills worked out to Rs.19,04,134/-, which is payable to the petitioner. However, despite repeated requests, the payment of final bill has not been made to the petitioner. Finally, the petitioner served a legal notice dated 19.10.2022 (Annexure P-3) calling upon the respondent No.2 to 4 to settle the claim of the petitioner, but the respondents-Department did pay any heed and no action has been taken thereupon till date.

Notice of motion.

Mr. Vivek Chauhan, Addl. A.G., Haryana accepts notice on behalf of the respondent No.1 whereas Mr. Sudeep Mahajan, Advocate accepts notice on behalf of the respondents No.2 to 4 and they pray for some time to complete instructions and file their respective responses.

On the other hand, learned counsel for the petitioner submits that at this juncture, she would be satisfied if the respondent No.3 is directed to consider and decide the legal notice dated 19.10.2022 (Annexure P-3) 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 with a direction to respondent No.3 to consider and

decide the legal notice 19.10.2022 (Annexure P-3) 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.

The petition is accordingly disposed of.

05.12.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No