

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

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**CWP-28347-2022 (O&M).
Date of Decision: 09.12.2022.**

M/s Shree Ganesh Constructions

... Petitioner

Versus

The State of Punjab and others

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.

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

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of mandamus directing the respondents to make the balance payment of Rs.23,13,470/- qua the work of laying BM PC in Street of Mohalla Jagat Nagar, Ward No.94 executed by the petitioner along with interest @ 12% per annum .

The petitioner claims to be Government Contractor having been assigned the aforesaid work vide work order dated 02.08.2021 (Annexure P-1).

Learned counsel for the petitioner contends that the work of laying BM PC in Street of Mohalla Jagat Nagar, Ward No.94, stand

successfully executed, however, the payment against the execution of the aforesaid work has not been released, even though the final bills submitted by the petitioner already stand approved by the competent authority. He further contends that in this regard, a legal notice dated 05.11.2022 has been sent by the petitioner vide Annexure P-3 and that despite a lapse of more than one month since the date of legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He contends that he would be satisfied in case the respondent authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondent No.1 – State and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondent Nos.2 and 3, and they have no objection to the present petition being disposed of with directions to the respondents to pass a speaking order on the representation dated 05.11.2022 (Annexure P-3) sent by the petitioner.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.3 - the Commissioner, Municipal Corporation, Ludhiana, is directed to take note of the legal notice dated 05.11.2022 (Annexure P-3) sent by the petitioner and to pass a speaking and a reasoned

order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

December 09, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No