

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

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**CWP-28802-2022
Date of decision: 15.12.2022**

THE KABAR WACHHA CO-OP. L & C SOCIETY LTD.

.....Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondent No.1.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondent No.2

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs.6,14,319/- including security amount of Rs. 2,16,149/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of laying of DB Paving upto H/O Pipli Wale in Dhani Jang Singh vide work order No. 31/45 dated 27.07.2021. The

petitioner has executed about 85 % of the above said works but due to non-payment of the running bills, the petitioner has stopped executing the remaining work. The petitioner has approached the respondent-authorities on a number of occasions for release of his due payment of the above said works but till date, the due payment has not been released to the petitioner without any reason.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including representation dated 02.06.2022 (Annexure P-6) has been made by the petitioner to the respondent No.2-the Executive Engineer, Nagar Panchayat, Mudki, District Ferozepur for release of his due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.2-the Executive Engineer, Nagar Panchayat, Mudki, District Ferozepur is directed to look into the representation dated 02.06.2022 (Annexure P-6) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondent No.1.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.2.

On the asking of the Court, he accepts notice on behalf of respondent No.2 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.2-the Executive Engineer, Nagar Panchayat, Mudki, District Ferozepur to examine the grievance espoused by the petitioner in the representation dated 02.06.2022 and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 15, 2022

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No