

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

267-2

CWP-35775-2019

Date of Decision: 10.10.2022

M/S PREM KUMAR BANSAL

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

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

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 due payment of Rs.23,16,459/- alongwith interest @ 12% per annum qua the work undertaken by petitioner.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. He contends that during the year 2018, certain works were allotted to the petitioner, the details of the said works has been duly tabulated in paragraph No.2 of the petition. The petitioner immediately commenced those works and completed the same within a stipulated time frame i.e. upto December 2018. But the payment of the said works has not been released till date. He further contends that the petitioner visited the office of the respondents on a number of occasions and also submitted various representations followed by a legal notice dated 11.11.2019 (Annexure P-2) before the respondent-Authorities, but neither any action has been taken thereupon nor has the payment been released by the respondents so far.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents and prays for time to complete instructions and file response.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.4 is directed to consider and decide the legal notice dated 11.11.2019 (Annexure P-2) in a time bound manner.

Learned State counsel does not oppose the innocuous prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, the present petition is disposed of with a direction to respondent No.4 to consider and decide the legal notice dated 11.11.2019 (Annexure P-2) by passing a reasoned and speaking order after affording an opportunity of hearing to the petitioner, 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 to the petitioner shall carry interest at the rate of 6% per annum from the date of filing of the present petition till actual disbursement.

10.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

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