

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

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**CWP-817-2023
Date of decision: 16.01.2023**

THE MANGALPUR KAUSHIK CO-OP L & C SOCIETY LTD.

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Prateek Singh, Advocate for
Mr. Ravi Dutt Sharma, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G. Haryana
for the respondents.

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. 135 lakhs alongwith interest qua the works executed by the petitioner.

Learned counsel appearing on behalf of the petitioner contends that the petitioner is a registered Co-operative Labour and Constructions Society and is enlisted as Class-1 Contractor. Respondents invited the bids for construction of steel Type Bridge at RD 1085 to 1122 at SYL on link road from Ambala-Hisar Road to Khera to Metlan in District Ambala in year 2019 and being the successful bidder, the said work was allotted to the petitioner-society vide letter Memo No. 991828/R dated 27.06.2019

(Annexure P-3) issued by respondent No.4-The Superintending Engineer, Department of Public Works (B&R) Ambala.

The petitioner-society performed the aforesaid work as per the structural drawing under the supervision of respondents No.2 to 4. Petitioner-Society has executed the work upto amount of Rs. 345.00 lakhs approximately, whereas respondents had made the payment of Rs. 210 lakhs only and an amount of Rs. 135 lakhs is still outstanding against the respondents for work done by the petitioner-society.

Petitioner-society has furnished the bills of work done with respondents. Petitioner-Society issued registered Legal Notice dated 12.12.2022 (Annexure P-8) to the respondents regarding release due payment alongwith interest @ 18% per annum lent even thereafter neither the payment has been made nor the legal notice has been decided by the respondents.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 12.12.2022 (Annexure P-8) has been made by the petitioner to the respondent-authorities for release of due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4-the Superintendent Engineer, Department of Public Works (Building & Roads) Ambala Cantt. Ambala is directed to look into the Legal Notice dated 12.12.2022 (Annexure P-8) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr.Vivek Saini, Addl. A.G. Haryana appears and accepts notice on behalf of respondents 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.4-the Superintendent Engineer, Department of Public Works (Building & Roads) Ambala Cantt. Ambala to examine the grievance espoused by the petitioner in the Legal Notice dated 12.12.2022 (Annexure P-8) 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

JANUARY 16, 2023

Vishal Sharma

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