

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

121

CWP-1312-2023

Date of Decision: 23.01.2023

SUNIL KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Vipul Joshi, Advocate and
Mr. Prashant Kumar Kapila, Advocate
for the petitioner.

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

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondent No.1 to 3 to release the payment of the Bill with interest at the applicable rate from the date of the Bill till the date of actual payment for the works executed by the petitioner.

Learned counsel for the petitioner contends that the petitioner was assigned the work by respondent No.1 through letter dated 09.10.2018 (Annexure P-3). The petitioner executed the work with great dedication and diligence and the work was completed successfully without there being any complaint. Despite the successful and satisfactory execution of the work, the payment of final bill amounts to Rs.11,67,120/- has been withheld by the respondents without any valid reason. Despite a number of requests and visits made by the petitioner, the respondents did not pay any heed and have not released the amount in question till date. At last, the counsel for the petitioner

served a legal notice dated 05.12.2022 (Annexure P-9) upon the respondents to release the aforesaid amount alongwith interest at the rate of 18% per annum from the date of bill till actual payment. However, no decision has been taken thereupon till date.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana accepts notice on behalf of the respondents and prays for some time to seek instructions and file response, if so advised.

The learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if the respondent No.3 is directed to decide the legal notice dated 05.12.2022 (Annexure P-9) in a time bound manner.

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

In view of the above and with the consent of the parties and the without commenting anything on the merits of the case, the present petition stands disposed of with a direction to the respondent No.3 to consider and decide the legal notice dated 05.12.2022 (Annexure P-9) within a period of three months from the date of receipt of certified copy of this order after affording an effective opportunity of hearing to the respective parties.

Needless to say that if, upon consideration, 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.

Disposed of accordingly.

23.01.2023

rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No