

2023:PHHC:061987

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

240-1

CWP-2333-2021

Date of Decision: 01.05.2023

M/S PREHARI PROTECTION SYSTEM PVT LTD

... Petitioner

VERSUS

MUNICIPAL CORPORATION OF FARIDABAD

... Respondents

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

Present: Mr. Pankaj Attri, Advocate for
Mr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Sandeep Jain, Advocate
for the respondent.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed challenging the impugned order dated 27.08.2018 (Annexure P-12) vide which respondents have denied payment to the petitioner, and further for directing the respondent to pay to the petitioner the complete bills for the months of October and November 2011 and remainder of the bills for the period of December, 2011 to April, 2012 alongwith interest @ 24% per annum for the sanitation work of Ward No.1-9 executed by the petitioner.

Learned counsel for the petitioner contends that the petitioner company was allotted the sanitation work vide work order Sr. No.MCF/MOH/2011/1034 dated 26.09.2011 for the Ward No.1-9 for a period of one month i.e. from 05.10.2011 to 04.11.2011 at the rate of Rs.70,69,131/-

per month. The petitioner company had to provide 900 safai karamchari and machinery as per the terms of the contract. The contract for sanitation work was extended by the respondent on the orders of Commissioner of Municipal Corporation, Faridabad from time to time upto 02.05.2012. However, despite successful execution of the work allotted to the petitioner, the respondent failed to make timely payments in lieu thereof. The details of work and the bills raised qua the same have been duly given in tabulated form in paragraph No.5 of the petition. The petitioner company made several representations to get its payment released, but all in vain. Thereafter, the petitioner-company sent a legal notice dated 09.01.2018 (Annexure P-11) to the Commissioner Municipal Corporation, Faridabad. The respondent responded to the said legal notice vide their memo No.MCF/MOH/2018/452 dated 27.08.2018, whereby the respondents declined the balance payment of the petitioner company without assigning any reason. Further, the respondent-Corporation informed the petitioner company that payment for the work executed from 05.10.2011 to 04.12.2011 amounting to Rs.1,33,59,758/- is under process and will be paid shortly.

Learned counsel for the respondent-Corporation seeks some time to complete instructions as to whether the above said amount has been paid to the petitioner or not.

Learned counsel for the petitioner has contended that no such payment has yet been made in his favour. He, however, submits that he has no objection if the present petition is disposed of with a direction to the respondent-Corporation to consider the claim of the petitioner and release the due payment in a time bound manner.

Learned counsel for the respondent-Corporation also has no objection to the prayer being granted.

In view of the above, without commenting on the merits of the case and with the consent of both the parties coupled with the fact that the respondent-Corporation has itself admitted that the payment of Rs.1,33,59,758/- is under process, the present petition is disposed of with a direction to the respondent to consider and expedite the claim of the petitioner and to release the due payment of the petitioner at the earliest and preferably within a period of three months from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

01.05.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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