

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

122

CWP-2017-2023

Date of Decision: 02.02.2023

GREEN GARDEN ENTERPRISES

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. P.R. Yadav, 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 payment of bills for the works executed by the petitioner alongwith interest.

Learned counsel for the petitioner contends that the petitioner is proprietor firm registered with the Labour Department Haryana under the provisions of Punjab Shops and Commercial Establishments Act, 1938. It is further averred that on 02.12.2020, the maintenance of Horticulture Works of Rao Tula Ram Park and Subhash Park as well as HUDA Sectors 1,3, 4 Parks in M.C. Rewari was allotted to the petitioner vide work orders dated 02.12.2020 (Annexures P-8 & P-9). The work was executed to the satisfaction of the respondents-Department, however, despite satisfactory execution of the works allotted to the petitioner, the bills amounting to Rs.54,34,235.50/- submitted by the petitioner have not been cleared till date despite submission of repeated representations. During the tenure of entire work, the petitioner submitted various bills for seeking payment, however,

the payment was not made. Finally, on 26.11.2021 the petitioner submitted a representation (Annexure P-58) raising his grievances and seeking release of payment, however, no action has been taken thereupon by the respondent-Department till date.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1, 2 and 6.

Mr. Vivek Saini, Addl. A.G., Haryana, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to accept notice on behalf of respondent No.3 to 5. Hence, he accepts notice on behalf of the respondent No.3 to 5 and prays for some 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.3 is directed to consider and decide the representation dated 26.11.2021 (Annexure P-58) in a time bound manner.

The learned counsel for respondent No.3 does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.3 to consider and decide the representation dated 26.11.2021 (Annexure P-58) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties 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 representation, 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.

02.02.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No