

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

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**CWP-4298-2020 (O&M).
Date of Decision: 03.02.2023.**

Mohit Goel

.. Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Ankush Bharti, for
Mr. K. K.Goel, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana,
for respondent No.1.

Mr. Rajveer Singh, Advocate,
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the payment of Rs.7,65,410/- qua the work for construction of Salim Wali Gali with Drain Type-II IPB with ISI Mark and Construction of Firni near Open Area of Anganwadi and Gugga Madi, Village Shadipur in Ward No.2, Yamuna Nagar, Haryana, allotted vide work order Memo No.3781 dated 01.06.2018 executed by the petitioner along with interest @ 18% per annum.

The petitioner claims to be Government Contractor having been assigned the aforesaid work vide Memo No.3781 dated 01.06.2018 (Annexure P-1).

Learned counsel for the petitioner contends that the aforesaid works for construction of Salim Wali Gali with Drain Type-II IPB with ISI Mark and Construction of Firmi near Open Area of Anganwadi and Gugga Madi, Village Shadipur in Ward No.2, Yamuna Nagar, Haryana, allotted vide work order Memo No.3781 dated 01.06.2018, stand successfully executed, however, the payment against the execution of the aforesaid works has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a legal notice dated 21.04.2019 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than three years and nine months since the date of the legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

When the notice of motion had been issued on 17.02.2020, learned Assistant Advocate General, had accepted notice on behalf of respondent No.1-State whereas Mr. Ashish Yadav, Advocate, had accepted notice on behalf of respondents No.2 to 4.

Learned State counsel appearing on behalf of respondent No.1-State as well as learned counsel appearing on behalf of respondents No. 2 to 4 have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.4 - the Executive Engineer, Municipal Corporation,

New Fountain Chowk, Railway Road, Yamunanagar, Haryana, is directed to take note of the legal notice dated 21.04.2019 (Annexure P-4) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

February 03, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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