

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

114

CWP-4043-2023 (O&M).**Date of Decision: 02.05.2023.****Mithun Kaushik**

.. Petitioner

Versus

The State of Haryana and others

... Respondents

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

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)**CM-7299-CWP-2023**

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 for placing on record document Annexure P-11 in terms of order dated 28.02.2023.

The application is allowed subject to all just exceptions.

Document Annexure P-11 is taken on record.

The Registry is directed to tag the same at an appropriate place.

Main case

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 payments to the tune of Rs.5,73,928/- along with interest @ 24% per cent per annum.

The petitioner claims to be a Class –IV Contractor having been assigned the work of laying of 150 mm i/d D.I. Pipe Water Supply and Marking of Dismantled Road during work in Nai Basti Near Sai Mandir,

Near Baghel Chopal and Near Dr. Prem Gaba Wali Gali (Behind Rao Mohar Singh Marg) vide allotment letter dated 11.09.2018 (Annexure P-3).

Learned counsel for the petitioner contends that the aforesaid work of work of laying of 150 mm i/d D.I. Pipe Water Supply and Marking of Dismantled Road during work in Nai Basti Near Sai Mandir, Near Baghel Chopal and Near Dr. Prem Gaba Wali Gali (Behind Rao Mohar Singh Marg) stands 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 representation dated 21.12.2021 (Annexure P-7) has been sent by the petitioner and that despite a lapse of more than 01 year and 04 months since the date of the representation 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 herein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Vivek Saini, Addl. Advocate General, Haryana, enters appearance and accepts notice on behalf of respondents No.1 to 3 whereas Mr. Arvind Seth, Advocate, enters appearance and accepts notice on behalf of respondents No.4 to 8. They have no objection to the aforesaid prayer being allowed.

Accordingly, with the consent of the parties and without commenting on the merits of the case, the present petition is disposed of

and the respondent No.4 - the Commissioner, Municipal Corporation, Gurugram, District Gurugram, is directed to take note of the representation dated 21.12.2021 (Annexure P-7) 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.

May 02, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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