

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

116

CWP-4195-2023 (O&M).
Date of Decision: 01.03.2023.

THE KHUI KHERA CO-OP LAOBUR AND CONSTRUCTION SOCIETY

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.

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 due payment of Rs.43,03,806/- including security qua the works executed by the petitioner along with interest @ 12% per annum. The details of the works executed by the petitioner as detailed in paragraph No.3 of the petition are extracted as under:-

Sr. No.	Details of the works	Amount payable
1.	Providing & Laying Interlocking Tiles in New Suraj Nagri Street No.2/1 to 2/5 (Near Sitto Railway Crossing) in Ward No.12 Work Order No.19 dated 02.12.2021	Security Rs.4,19,229/-

2.	Providing & Laying Interlocking Tiles in New Suraj Nagri Street No.2/6 and adjoining Streets in New Suraj Nagri in Ward No.12 Work Order No.20 dated 02.12.2021	Security Rs.3,40,527/- Deposit Rs.8,34,486/-
3.	Providing & Laying Interlocking Tiles in adjoining Street Nos.7, 8, 9, 10 & 11, Chowk Street No.1, 2 Jain Nagri in Ward No.37 Work Order No.33 dated 25.11.2021	Security Rs.3,13,575/-
4	Providing & Laying Interlocking Tiles in Baba Deep Singh Nagar (Opposite Gurudwara Sahib Wali Gali & adjoining Street) in Ward No.4 Work Order No.01 dated 02.12.2021	Balance payment Rs.15,75,660/- Security Rs.1,85,371/-
5.	Providing & Laying Interlocking Tiles in Street no.1-6, Gobind Nagri, Ward No.45 Work Order No.46 dated 02.12.2021	Security Rs.3,59,306/-
6.	Providing & Laying Interlocking Tiles in Street no.1, Jain Nagri, 6th Chowk to 10th Chowk, Street No.1 and adjoining roads Street no.2 & adjoining roads in Ward No.6 Work Order No.46 dated 24.05.2021	Security Rs.2,75,652/-
	Grand Total	Rs.43,03,806/-

Learned counsel for the petitioner contends that the aforesaid work orders are available with the petitioner and a copy of one of work order dated 02.12.2021 has been annexed with the present petition as Annexure P-1. He further contends that the aforesaid works allotted to the petitioner 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 25.01.2023 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than one month 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.

Notice of motion.

Mr. Vishnav Gandhi, DAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondent No.3 and they 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.3 - the Commissioner, Municipal Corporation, Abohar, District Fazilka, is directed to take note of the legal notice dated 25.01.2023 (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.

March 01, 2023

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(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No