

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

135

CWP-5311-2023

Date of decision: 16.03.2023

THE UBA CO-OPERATIVE LABOUR AND CONSTRUCTION SOCIETY
LTD.

.....Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

Mr. Deepanjay Sharma, DAG, Punjab
for respondents No.1 & 2.

Mr. Saurav Verma, Advocate
for respondents No.3 & 4.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due amount of Rs.11,95,757/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of providing laying interlocking tiles in Jain Nagri Thana Road to Hanumangarh Road, Ward No. 37, vide work

Order No. 39 dated 02.12.2021. The petitioner immediately commenced this work on 12.12.2021 and first running bill amounting to Rs. 11,95,757/- has also been passed on 01.02.2022 but the payment has not been released to the petitioner.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 12.09.2022 (Annexure P-3) has been sent by the petitioner to the respondent-authorities i.e. Executive Engineer, Municipal Corporation Abohar, District Fazilka for release of due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3-the Commissioner, Municipal Corporation, Fazilka is directed to look into the Legal Notice dated 12.09.2022 (Annexure P-3) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Deepanjay Sharma, DAG, Punjab appears and accepts notice on behalf of respondents No.1 & 2.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.3 & 4-Municipal Corporation, Fazilka.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.3-the Commissioner, Municipal Corporation, Fazilka to examine the grievance espoused by the petitioner in the Legal Notice dated

12.09.2022 (Annexure P-3) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 16, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No