

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

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CWP-7749-2023 (O&M).**Date of Decision: April 17, 2023.**

**The Manjhwala Co-op, L & C Society Ltd. Tehsil Zira, District
Ferozepur.**

... Petitioner

Versus

The State of Punjab and another

... Respondents

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

Present: Mr. Tajinder Pal Singh Makkar, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to make the payment of pay Rs.38,54,408/- (which includes Security amount of Rs.8,39,690/- deducted from the petitioner) on account of various works executed by the petitioner along with interest @ 12% per annum.

The petitioner claims to be Government Contractor having been assigned the work of Providing and Laying of Interlocking Tiles in the main road to Tehsil in Ward No.2, Makhu; Providing and Laying of Interlocking Tiles in the main G.T. road to House of Ex. M.C. Karaj Singh, Ward No.13, Makhu; and Providing and Laying of Interlocking Tiles in street Bagga Shop to Billu Speaker Wala Shop and Shop of Amrik Masih

Driver, Ward No.11, Makhu and various other works as mentioned in paragraph No.2 of the paperbook. Copies of the work Orders have been appended with the present petition as Annexures P-1, P-4, P-6, P-10 and P-11. It is contended that the aforesaid works stand successfully executed, however, the payment against the execution of the aforesaid and various other works has not been released, even though the final bills submitted by the petitioner already stand approved by the competent authority. Copies of various final bills have been annexed with the present petition as Annexures P-2, P-3, P-5, P-7, P-8, P-12 and P-13. He further contends that in this regard, a representation dated 05.01.2023 has been sent by the petitioner vide Annexure P-14 and that despite a lapse of more than three months since the date of representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He contends that he would be satisfied in case the respondent authorities are directed to look into the representation 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. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of respondent No.1 – State and Mr. Vikram Preet Arora, Advocate, accepts notice on behalf of respondent No.2, 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 respondent No.2 - the Executive Officer, Nagar Panchayat, Makhu, District Ferozepur, is directed to take note of the representation dated

05.01.2023 (Annexure P-14) filed by the petitioner and to pass a 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. Failure to release the said undisputed payment within the aforesaid stipulated time frame, once found due, shall attract interest at the rate of 6% per annum till the date of actual realization.

Petition stands disposed of accordingly.

April 17, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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