

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

116

CWP-8914-2023

Date of Decision: 28.04.2023

THE CHAK KALA TIBBA CO.OP. L & C SOCIETY LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the balance payment of Rs.17,66,825/- qua works of Providing & Laying Interlocking Tiles in different wards executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 02.12.2021, the aforesaid work was allotted to the petitioner by the respondent-Corporation. It is contended that both the works were commenced immediately and 1st running bills of both the works have been duly passed and part payment qua them has also been released. However, the balance

payment has not been released so far. The details of the works executed, the payments made and the outstanding amounts are duly given by the petitioner in paragraph No.2 of the petition. The petitioner approached the respondents on a number of occasions, but the respondents have not released the due payment till date. The petitioner submitted various representations followed by a legal notice dated 29.03.2023 (Annexure P-3), but the respondents neither released the payment nor did they take any action on the said legal notice.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab accepts notice on behalf of respondent No.1 and prays for some time to file response, if any.

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 accept notice on behalf of respondents No.2 to 4. Hence, he accepts notice on behalf of respondents No.2 to 4 and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4- The Corporation Engineer, Municipal Corporation, Abohar, District Fazilka is directed to consider and decide the legal notice dated 29.03.2023 (Annexure P-3) in a time bound manner.

Both the learned State Counsel do not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.4 to consider and decide the legal notice dated 29.03.2023 (Annexure P-3) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

Petition stands disposed of accordingly.

28.04.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No