

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-9562-2023

Date of Decision: 04.05.2023

M/S KRISHNA CONSTRUCTION COMPANY

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. I.S. Pabla, 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 payment of Rs.18,85,072/- qua the work executed vide work order No.22/316 dated 06.05.2020 (Annexure P-2) alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner was allotted the work with regard to REPAIR OF LEFT SIDE ERODED BANK OF D/S SYL CANAL AT KM 48.655 vide work order No.22 Book No.316, dated 06.05.2020. The petitioner completed the work on 16.05.2020 to the satisfaction of the respondent-Department. After successful completion of the work, the petitioner raised bill amounting to Rs.18,85,072/- but the respondents have not released the said payment till date. The petitioner made various oral as well as written requests to the respondents, but all in vain. At last, the petitioner sent a

legal notice dated 02.07.2022 (Annexure P-4) to the respondents, however, no action has been taken thereupon till date.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents and prays for some time to file response, if any.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5- The Executive Engineer, Water Services Division, Kurukshetra, Haryana is directed to consider and decide the legal notice dated 02.07.2022 (Annexure P-4) in a time bound manner.

Learned State Counsel does 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.5 to consider and decide the legal notice dated 02.07.2022 (Annexure P-4) 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.

MAY 04, 2023
Vishal

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No