

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

106

CWP-9954-2023

Date of Decision:09.05.2023

The Basti Jhawla Cooperative L&C Society Ltd.**.....Petitioner****Versus****The State of Punjab and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.****Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.****Ms. Niharika Sharma, A.A.G., Punjab,
for respondent Nos.1 and 2.****Mr. Saurav Verma, Addl. A.G., Punjab,
for respondent No.3.************VINOD S. BHARDWAJ , J.(Oral)**

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India, 1950 is for issuance of a writ in the nature of mandamus directing the respondents to release the due amount along with interest @ 12% per annum qua the works executed by the petitioner.

Briefly, the facts of the present petition are that during the year 2020-21, certain works were allotted to the petitioner vide different work orders. The details of works allocated to the petitioner are mentioned in paragraph No.3 of the writ petition. He successfully completed the said works to the entire satisfaction of the authorities within the stipulated period,

but the balance payment, security and earnest money of these works have not been released till date. The petitioner requested the respondents to consider and release the due payment but in spite of various representations, the respondents failed to release the amount due till date. Thereafter, the petitioner had served a legal notice dated 05.04.2023 (Annexure P/3) to respondent No.3, but no action has been taken thereupon.

Learned counsel appearing on behalf of the petitioner contends that at this stage he would be satisfied, in case, the legal notice dated 05.04.2023 (Annexure P/3) is directed to be decided by respondent No.3 by passing a speaking order in accordance with law.

Notice of motion.

Ms. Niharika Sharma, A.A.G., Punjab, who is present in the Court accepts notice on behalf of respondent Nos.1 and 2.

Mr. Saurav Verma, Addl. A.G., Punjab, who would be deemed to be on the panel of all statutory Boards and Corporations of the State of Punjab by virtue of his appointment, is requested to accept notice on behalf of respondent No.3.

On the asking of the Court, Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of respondent No.3.

Accordingly, with the consent of the parties, the present civil writ petition is disposed of with a direction to respondent No.3-The Nagar Panchayat, Mamdot, District Ferozepur through its Executive Officer, to take note of the legal notice dated 05.04.2023 (Annexure P/3) served by the petitioner and to pass a speaking and reasoned order in accordance with law, preferably within a period of three months from the date of receipt of a certified copy of this order after granting an opportunity of hearing to the

respective parties.

If the entitlement of the petitioner is established upon consideration of the claim and verification of the record, then the payment be released to him within a further period of three months thereafter.

Petition is disposed of accordingly.

May 09, 2023
seema

(VINOD S. BHARDWAJ)
JUDGE

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