

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

116

CWP-10382-2023
Date of Decision: 15.05.2023

M/S DAKSHA CONSTRUCTION COMPANY

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. J.S. Rana, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed 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 pending passed/audited payments of the work done as well as security amount of the petitioner i.e. Rs.12,13,704/- alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner is empanelled contractor of the respondents and as such, the work in question was allotted to the petitioner by respondent No.3 on 04.01.2022 as well as on 19.10.2021. Both the works were to be completed within a period of 60 days and 40 days respectively. The petitioner had completed both the works within the stipulated time frame. The final bill was submitted by the petitioner to respondent No.3 and the same has been passed and audited. However, the payment in question has not been released by the respondents notwithstanding the same being passed and audited. The petitioner visited the office of the respondents on a number of

occasions, but nothing fruitful could be yielded. Finally, the petitioner served a legal notice dated 27.02.2023 (Annexure P-8) upon the respondents, however, no action has been taken thereupon till date. Hence, the present petition.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent No.1 and prays for some time to complete his instructions and file response, if any.

Mr. Vivek Saini, Addl. A.G., Haryana, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to accept notice on behalf of respondents No.2 and 3. Accordingly, he accepts notice on behalf of respondents No.2 and 3, and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this stage, the petitioner would be satisfied if the respondent No.3 is directed to consider and decide the legal notice dated 27.02.2023 (Annexure P-8) by passing a speaking order within a time bound manner.

Learned counsel for the respondents do not oppose the prayer made by 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.3- The Managing Director, Palwal Cooperative Sugar Mills, Palwal to consider and decide the representation dated 27.02.2023 (Annexure P-8) 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 legal notice, 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.

15.05.2023
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(VINOD S. BHARDWAJ)
JUDGE

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