

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-10461-2023

Date of decision: 15.05.2023

SHRI HARI CONSTRUCTION

.....Petitioner

VERSUS

THE STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Manoj Kumar Sood, Advocate
for the petitioner.

Ms. Pankaj Mulwani, DAG, Haryana
for respondent No.1 & 2.

Mr. Vivek Saini, Advocate
for respondents No.3 to 5.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs.19,20,997/- alongwith interest @ 18% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted the work of repair and renovation of Chacha Nehru Park New Colony, W.No.13 MC Palwal. The petitioner has successfully completed the aforesaid work according to the specification.

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After completion of the work, the petitioner submitted the final bill to respondents No.3 to 5 but till date no payment has been received by the petitioner.

It is contended that the petitioner visited the respondent's office many time and reminders were also sent by the petitioner to the respondent-authorities to release of the due payment but no payment has been released by the respondent-authorities. A Legal Notice dated 19.10.2022 (Annexure P-9) has been sent by the petitioner to respondent No.4-Executive Officer of Municipal Council, Palwal for release of due payment but no such action has been taken thereupon by the respondent No.4.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4-Executive Officer of Municipal Council, Palwal is directed to look into the Legal Notice dated 19.10.2022 (Annexure P-9) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1 & 2.

Mr. Vivek Saini, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Board and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondents No.3 to 5.

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On the asking of the Court, he accepts notice on behalf of respondents No.3 to 5 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to the respondent No.4-Executive Officer of Municipal Council, Palwal to examine the grievance espoused by the petitioner in the Legal Notice dated 19.10.2022 (Annexure P-9) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)

JUDGE

MAY 15, 2023

Vishal Sharma

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