

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

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CWP-11333-2023 (O&M).
Date of Decision: 24.05.2023.

Amritpreet Co-operative Society Limited

... Petitioner

Versus

The State of Punjab and others

... Respondents

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

Present: Mr. Gaurav Datta, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner for seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the payment of Rs.16,29,426/- along with interest @ 18% per annum on account of the work done by the petitioner and also to refund the security amount of Rs.14,00,000/- deposited by the petitioner.

Learned counsel for the petitioner contends that the petitioner is engaged in construction business and had been allocated various works as mentioned in paragraph No.3 of the petition vide various work orders (Annexure P-2 to P-4). He contends that letter dated 18.10.2022 (Annexure P-5) was written by the petitioner to respondent No.2 for the release of the payment qua the work executed by the petitioner, however, the same has

not been released. He contends that petitioner has also sent various representations and letters for release of the payment however to no avail. He further contends that in this regard, a legal notice dated 07.04.2023 (Annexure P-14) followed by representation dated 13.04.2023 (Annexure P-15) has been sent by the petitioner and that despite a lapse of more than 02 months since the date of the legal notice/representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondent No.1 – State and 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 and accepts notice on behalf of respondent No.2, and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.2 - the Commissioner, Municipal Corporation, S.A.S. Nagar, Mohali, is directed to take note of the legal notice dated 07.04.2023 (Annexure P-14) followed by representation dated 13.04.2023 (Annexure P-15) filed by the petitioner and to pass a speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

May 24, 2023.
raj arora

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