

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

CWP-12507-2023

Date of Decision: 01.06.2023

Infinity Infra

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Chirag Girdhar, 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 due payment of Rs.4,00,678/- security and withheld amount qua work of Laying Premix Carpet in Ward No.21 near Canal, Dhuri in District Sangrur, executed by the petitioner alongwith interest @ 12% per annum.

2. Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 13.08.2021, the aforesaid work was allotted to the petitioner vide Work order No.47 dated 13.08.2021.

3. The petitioner immediately commenced the work on 13.08.2021 and successfully completed the same on 28.02.2022 well within the stipulated period and payment of the work done by the petitioner has also been released to it. It is relevant to mention here that an amount of Rs.3,95,000/- was deducted on account of security from the running bills and another amount of Rs.5,678/- was withheld from the Ist running bill but the same has not been released till date. The details of the bills raised by the petitioner are duly given in tabulated form in Paragraph No.4 of the writ petition.

4. Notice of motion.

5. Ms. Niharika Sharma, D.A.G., Punjab accepts notice on behalf of respondents No.1 and 2 and Mr. Sanjay Sabharwal, 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 accept notice on behalf of respondent No.3-The Municipal Council through its Executive Officer. Hence, he accepts notice on behalf of the respondent No.3 and also pray for some time to complete instructions and file response, if any.

6. Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- The Municipal Council through its Executive Officer, is directed to consider and decide the representation dated 31.08.2022 (Annexure P-3) in a time bound manner.

7. Learned counsel for the respondents does not oppose the prayer made by the learned counsel for the petitioner.

8. 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 to consider

and decide the representation dated 31.08.2022 (Annexure P-3) 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.

9. 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 his favour within a further period of three months.

10. Petition stands disposed of accordingly.

01.06.2023

ps-I

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No