

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

154

CWP-12653-2023

Date of Decision: 01.06.2023

BHUCHO MANDI CO-OPERATIVE L & C SOCIETY LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Naveen Kumar Kuhad, Advocate for
Mr. P.K.S. Phoolka, 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 No.3 and 4 for releasing the payment due towards the petitioner for the work done by the petitioner.

Learned counsel for the petitioner contends that the petitioner was allotted various works by respondent No.3- Nagar Panchayat Nihar Singh Wala including the work of laying interlock tiles from Barnala Road Deep Hospital to Shop of Takhtupura for Rs.10,66,000/- vide tender No.3/work order No.52/2019, out of which the petitioner has already completed the work worth Rs.9,08,030/- and the petitioner has already submitted the final bill dated 23.11.2020 for payment. However, a sum of Rs.90,800/- is still due and recoverable from the department/respondent No.3 – Nagar Panchayat Nihal Singh Wala. Similarly, various other works were

also allotted to the petitioner, which have been completed by the petitioner satisfactorily and without any complaint, however, the final bills have not yet been cleared fully. The details of such works and the amounts due towards the said works have been duly given in paragraphs No.2 to 4 of the petition. The petitioner approached the respondent No.4 time and again for seeking releasing of his due payment but the due payment has not yet been released. Finally, the petitioner sent a representation dated 09.05.2023 (Annexure P-1) through registered post to the official respondent No.3 (wrongly mentioned as respondent No.4 in the petition) but no action has been taken by the official respondents till date on the said representation.

Notice of motion.

Mr. Deepanjay Sharma, DAG, Punjab accepts notice on behalf of the respondents and prays for some time to file response, if any.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- Executive Officer, Nagar Panchayat, Nihal Singh Wala, Tehsil Nihal Singh Wala, District Moga, is directed to consider and decide the representation dated 09.05.2023 (Annexure P-1) in a time bound manner.

Learned State Counsel does not oppose the prayer made by the 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 to consider and decide the representation dated 09.05.2023 (Annexure P-1) 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 representation, if any amount is found due and payable to the petitioner, the same shall be disbursed within a further period of three months.

Petition stands disposed of accordingly.

01.06.2023
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(VINOD S. BHARDWAJ)
JUDGE

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