

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

106

CWP-12321-2023
Date of Decision: 01.06.2023

THE RUPANA CO-OP L AND C SOCIETY LTD.

... 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.40,78,051/- including security qua the works of interlocking tiles/paver blocks in different wards of Sri Muktsar Sahib, executed by the petitioner alongwith interest @ 12% per annum.

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 30.11.2021, the aforesaid work was allotted to the petitioner vide different work orders including the one dated 30.11.2021 (Annexure P-1). The details of the works executed by the petitioner and the amounts outstanding qua the same are duly given in tabulated form in paragraph No.3 of the petition. The

petitioner executed the work as per PWD specifications and there is no dispute with regard to the satisfactory execution of the work. The bills raised by the petitioner have been duly passed by the respondents, however, the outstanding amount has not been released till date. The petitioner has submitted various representations including the last representation dated 21.12.2022 (Annexure P-3), but the respondent neither paid the outstanding amount nor did they take any action on the representations of the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab accepts notice on behalf of respondents No.1 and 2 and she prays for some time to file response, if any.

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. Accordingly, he accepts notice on behalf of respondent No.3 and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- The Municipal Council, Malout, District Sri Muktsar Sahib through its Executive Officer is directed to consider and decide the representation dated 21.12.2022 (Annexure P-3) in a time bound manner.

Learned Counsel for the respondents do 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 21.12.2022 (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.

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