

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-13992-2023
Date of Decision: 05.07.2023

THE KARIAN CO-OPERATIVE L & C SOCIETY LTD.

... Petitioner

VERSUS

THE 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.10,20,924/- qua the works of construction of ramp to existing building in I.T.I., Barnala (Punjab) 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 23.03.2020, the aforesaid work was allotted to the petitioner vide EE No.7909 dated 23.03.2020 and the same was successfully completed on 21.06.2020 and the payments qua 1st running bill was duly released by the respondents in favour of the petitioner. Thereafter, 2nd and final bill

amounting to Rs.20,46,354/- was also passed but the balance payment of Rs.10,20,354/- from the 2nd and final bill has not been paid till date. It is further submitted that there is no dispute with regard to the satisfactory completion of the allotted work. Still the payment has been withheld by the respondents without any valid reason. The petitioner approached the respondents for a number of times, but nothing fruitful could be gained. Thereafter, the petitioner submitted numerous representations but of no use. At last, the petitioner served a legal notice dated 13.05.2023 (Annexure P-4) upon respondents No.5 and 6 but the respondents neither responded to the same nor did they make the payment of outstanding amount of the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, 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.5- The Executive Engineer, Construction Division, PWD B & R Branch, Barnala is directed to consider and decide the legal notice dated 13.05.2023 (Annexure P-4) in a time bound manner.

Learned State Counsel does not oppose the prayer made by 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.5 to consider and decide the legal notice dated 13.05.2023 (Annexure P-4) 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 legal notice, 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.

Petition stands disposed of accordingly.

JULY 05, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No