

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-13982-2023
Date of Decision: 05.07.2023

THE RAMPURA CO-OPERATIVE L & C
SOCIETY LTD. BHIWANIGARH

... 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.1,48,55,751/- including security qua various works 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. During the year 2021-22, certain works were allotted to the petitioner, some of which have been duly completed and some are still under progress, but the payment of bills and security qua these works have not been released to the petitioner. The details of these works and the due amount payable against them are duly given in tabulated form in paragraph No.2 of the petition. The

works were executed in terms of the PWD specifications and there is no dispute with regard to the works executed by the petitioner; but still the payment in lieu thereof has not been released till date. The petitioner approached the respondents for a number of times, but nothing fruitful could be obtained. Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a legal notice dated 01.08.2022 (Annexure P-3 colly.) upon respondent No.3 but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

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

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 accept notice on behalf of respondent No.3. Hence, 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, Sunam, District Sangrur through its Executive Officer is directed to consider and decide the legal notice dated 01.08.2022 (Annexure P-3 colly.) in a time bound manner.

Learned counsel for the respective respondents do 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.3 to consider and decide the legal notice dated 01.08.2022 (Annexure P-3 colly.) 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 : *Yes/No*
Whether reportable : *Yes/No*