

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

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CWP-14459-2023

Date of Decision: 11.07.2023

M/S GARG CONSTRUCTION COMPANY

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: None 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 due payment of Rs.36,45,345/- including security and withheld amount qua the works of laying premix carpet in different wards in Barnala executed by the petitioner, alongwith interest @ 18% per annum.

From the perusal of the petition, it is noticed 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 05.10.2020, the abovesaid work was allotted to the petitioner vide different work orders including the one dated 05.10.2020 (Annexure P-1). The petitioner immediately commenced the work and successfully completed the same on 31.08.2021, but payment of some of the bills, security was withheld

and the amount has not been released till date. The works executed and the outstanding amounts qua those works including other payments have been duly given in tabulated form in paragraph No.3 of the petition. 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 10.06.2023 (Annexure P-3) 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.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in Court, accepts notice and prays for some time to complete instructions and file response, if any.

However, in the considerate opinion of this Court, it would be appropriate and in the fitness of things if respondent No.3- The Municipal Council, Barnala through its Executive Officer is directed to consider and decide the legal notice dated 10.06.2023 (Annexure P-3) in a time bound manner.

Learned State Counsel does not oppose the same.

Accordingly, in view of the above, with the consent of the learned State Counsel and without commenting anything on the merits of the case, the present petition is disposed of *in absentia* while directing respondent No.3 to consider and decide the legal notice dated 10.06.2023 (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 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.

Parties be informed accordingly.

JULY 11, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No