

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

119

CWP-15297-2023
Date of Decision: 20.07.2023

THE HEMKUND CO-OPERATIVE LABOUR AND
CONSTRUCTION SOCIETY LTD.

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Prince Goyal, 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 payment of Rs.36,10,000/- (approximately) qua the works executed by the petitioner, alongwith interest @ 18% 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. The details of the works executed by the petitioner and the amount pending qua the same have been duly given in tabulated form in paragraph No.2 of the petition. The total of such amounts comes to Rs.36,10,000/-. There is no dispute with regard to the successful and satisfactory execution of the works allotted to the petitioner. The petitioner submitted the bills for payment of the

outstanding amount but the payment of the said amount has not been made till date. The petitioner approached the respondents for a number of times, but nothing fruitful could be gained. Thereafter, the petitioner submitted numerous representations followed by a legal notice dated 19.06.2023 (Annexure P-2) but of no use. 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 respondents No.1 to 3 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.4. Hence, he accepts notice on behalf of the said respondent 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.4- The Municipal Council, Malout, District Sri Muktsar Sahib, through its Executive Officer is directed to consider and decide the legal notice dated 19.06.2023 (Annexure P-2) 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.4 to consider and decide the legal notice dated 19.06.2023 (Annexure P-2) 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 20, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No