

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

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**CWP-17133-2023
Date of Decision: 07.08.2023**

M/S RAKESH GARG AND COMPANY

... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

... Respondents

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

Present: Mr. Tajinder Pal Singh Makkar, 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 respondent No.2 to release the payment of Rs.18,10,224/- payable to the petitioner on account of the work of transportation of crops/stock articles for the year 2023-24 executed by the petitioner, alongwith interest @ 12%.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. On 07.04.2023, the abovementioned work was allotted to the petitioner vide memo No.A-7-2023-1341 dated 07.04.2023. The petitioner immediately commenced the work and finished the same in the month of April 2023. After completion of the work, on 28.06.2023, two bills had been prepared by respondent No.3 vide which an amount of Rs.17,75,093 and Rs.35,171/- (total Rs.18,10,264/-) is

pending payable to the petitioner. The petitioner has completed the abovesaid work within time and to the satisfaction of the respondent-Department, but the respondents have not paid the abovementioned outstanding amount to the petitioner till date, merely on the ground that the funds are not available. He further contends that the petitioner visited the office of the respondent No.2 on a number of occasions but the respondent did not release the amount in question. Further, the petitioner made several representations to respondent No.2 followed by a latest one dated 05.06.2023 (Annexure P-6) but no action has been taken thereupon till date so far and the amount has also not been released so far.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of respondents No.1 to 7 and seeks time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2- District Food Supply Controller-cum-Convener, District Tender Committee, Ferozepur is directed to consider and decide the representation dated 05.06.2023 (Annexure P-6) 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 on the merits of the case, the present petition is disposed of while directing respondent No.2 to consider and decide the representation dated 05.06.2023 (Annexure P-6) 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 in favour of the petitioner within a further period of three months.

AUGUST 07, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No