

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

116

CWP-17806-2023 (O&M).
Date of Decision: 18.08.2023.

M & L CONSTRUCTION

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Amit Khari, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing respondents No.1 to 3 to clear the entire due payment of Rs.1,52,454/- qua the works executed by the petitioner in the limits of Municipal Corporation, Faridabad at Ward No.37, Division No. IV of Ballabgarh along with interest @ 18% per annum.

It is averred that on 23.12.2021, 120 HP pump at Panchayat Bhawan Water Disposal got damaged due to which sewer lines of Ward No.36, 37, 38 and 39 were running full and there was problem of overflow and frequent blockages. It is further averred that keeping in view the urgency spot quotations were collected and the quotation dated 31.12.2021 sent by the petitioner has been annexed with the present petition as Annexure P-1.

Learned counsel for the petitioner contends that the aforesaid work stand successfully executed and, however, the payment against the execution of the aforesaid work has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard a representation dated 02.11.2022 (Annexure P-6) followed by subsequent representation dated 12.04.2023 (Annexure P-7) have been sent by the petitioner and that despite a lapse of more than 10 months since the date of first representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Harana, accepts notice on behalf of respondent1 No.1 and Mr. Vivek Saini, Addl. A.G. Haryana, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to and accepts notice on behalf of respondents No.2 to 8 and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.3 - the Commissioner, Municipal Corporation, Faridabad, is directed to take note of the representation dated 02.11.2022 (Annexure P-6) followed by subsequent representation dated 12.04.2023

(Annexure P-7) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

August 18, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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