

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

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**CWP-18514-2023
Date of Decision: 24.08.2023**

THE BARGARI COOP L AND C SOCIETY LTD

.... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... 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 the respondents to release the due payment of Rs.4,13,801/- on account of the security deducted at the time of making payments qua the works executed by the petitioner.

Learned counsel for the petitioner contends that the petitioner is a Government Contractor and has executed various works assigned to him from time to time and there has never been any complaint against the work executed by the petitioner. On 05.11.2019, the work of P/Laying Interlocking Pavers 60 MM thick in Old Grain Market, Ward No. 17-18, Faridkot was allotted to the petitioner vide work order No.27/04 dated 05.11.2020. Similarly, on 05.08.2021, the work of Laying of Interlocking tiles in Parking Areas of District Court Complex, Faridkot was allotted to the petitioner vide work order No.99/05 dated 05.08.2021. The petitioner have completed the

above mentioned work within stipulated time period. Even the payment of all the above three works executed by the petitioner was released to the petitioner except the payment of Rs. 4,13,801/- deducted as security at the time of making the payment of the bills of these works. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations including latest representation dated 19.01.2023 (Annexure P-6) upon respondent No.2-Executive Officer, Municipal Council, Faridkot, District Faridkot but 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 appears and accepts notice on behalf of respondents No.1.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondent No.2-Municipal Council, Faridkot.

On the asking of the Court, he accepts notice on behalf of respondent No.2-Municipal Council, Faridkot.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2-Executive Officer, Municipal Council, Faridkot is directed to consider and decide the representation dated 19.01.2023 (Annexure P-6) in a time bound manner.

Learned counsel for the respondents 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 anything on the merits of the case, the present petition is disposed of while directing respondent No.2-Executive Officer, Municipal Council, Faridkot to consider and decide the representation dated 19.01.2023 (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 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.

AUGUST 24, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No