

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

115

**CWP-17766-2023
Date of Decision: 17.08.2023**

JASWINDER SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Dinesh Kumar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of directions to respondent No.3 to release the due payment including security etc. alongwith interest @ 18% per annum qua the works executed by the petitioner.

Learned counsel for the petitioner contends that the petitioner is a Government Contractor and he has successfully completed various contracts. Vide work orders No.33, 35 and 40, Book No.47 dated 06.01.2022 various works had been assigned to the petitioner in various wards of Sunam and the petitioner has successfully completed the said works. The details of the works alongwith the cost for the same have been duly given in paragraph No.4 of the petition. After completion of the works, the technical wing of the Municipal Council Sunam checked the works and found the same to be in order and ultimately entered the same in the measurement books, which have been further countersigned/verified by the Higher Authorities. However, despite the same, the due payment qua the said works has not been made till date. The

respondents have been making false pretences regarding paucity of funds. The petitioner visited the office of respondent No.3 on number of occasions, but all in vain. Ultimately, the petitioner served a legal notice dated 21.06.2023 (Annexure P-3) but no decision has been taken thereupon till date.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab accepts notice on behalf of respondents No.1 and 2; and prays for some time to complete instructions and file response, if necessary.

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.3. Hence, he accepts notice on behalf of respondent No.3 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.3 –Executive Officer, Municipal Council, Sunam, Tehsil Sunam, District Sangrur is directed to consider and decide the notice dated 21.06.2023 (Annexure P-3) by passing a speaking order 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 and 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.3 to consider and decide the legal notice dated 21.06.2023 (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 favour of the petitioner within a further period of three months, positively.

AUGUST 17, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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