

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

112

CWP-18447-2023
Date of Decision: 23.08.2023

M/S PACIFIC ENGINEERS & BUILDERS

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, 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.73,80,078/- qua the works executed by the petitioner, alongwith interest @ 12% 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. During the year 2021, the works of Providing and Fixing Interlocking Tiles at various places were allotted to the petitioner vide different allotment letters. The details of the works and the amount payable to the petitioner has been duly given in paragraph No.3 of the petition. It is further submitted that there is no dispute with regard to successful completion of the works and as well as

the amount claimed but the due amount has not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a legal notice dated 21.07.2023 (Annexure P-3) upon respondent No.3-Executive Officer, Municipal Council, Jagraon 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 & 2.

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 respondents No.3 & 4-Municipal Council, Jagraon.

On the asking of the Court, he accepts notice on behalf of respondents No.3 & 4 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

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.3-Executive Officer, Municipal Council, Jagraon to consider and decide the legal notice dated 21.07.2023 (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 his favour within a further period of three months.

Petition stands disposed of accordingly.

AUGUST 23, 2023

Vishal sharma

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*