

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

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**CWP-18434-2023
Date of Decision: 23.08.2023**

THE NANGAL CO-OPERATIVE L & C SOCIETY LIMITED

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Ms. Srishti S. Sharma, Advocate and
 Mr. Gaurav Dutta, 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.30,75,944/- qua the works executed by the petitioner.

Learned counsel for the petitioner contends that the petitioner is engaged in Construction business and has been working since long with respondent No.2 and no complaint has ever been received in relation to the work done by the society. That respondent No.2 had floated a notice inviting E-Tenders (E Tender No:-EO/MC/FUNDS/APS/2021) and the petitioner applied for the same and was declared as a successful bidder. The details of the work and the amount payable to the petitioner has been duly given in paragraph No.7 of the petition. It is further submitted that there is no dispute

regarding 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 07.07.2023 (Annexure P-12) upon respondent-authorities 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 to 4.

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.5-Municipal Council, Anandpur Sahib, District Rupnagar.

On the asking of the Court, he accepts notice on behalf of respondent No.5-Municipal Council, Anandpur Sahib, District Rupnagar.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-The Executive Officer, Municipal Council, Anandpur Sahib, District Rupnagar is directed to consider and decide the legal notice dated 07.07.2023 (Annexure P-12) 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.5- The Executive Officer, Municipal Council, Anandpur Sahib, District Rupnagar to consider and decide the legal notice dated 07.07.2023 (Annexure P-12) 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