

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

136

CWP-19575-2023

Date of Decision: 04.09.2023

M/S NEM KUMAR BANSAL CONTRACTOR

...Petitioner

VERSUS

THE STATE OF HARYANA 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 amount of Rs.20,99,334/- including security 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. On 12.09.2019, the work of laying HDPE Pipeline from km 18.220 of M/garh Disty to village pond Chajjiawas, Nimbi & Duloth Ahir was allotted to the petitioner vide Agreement No.171/2019 dated 12.09.2019. 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 payment of 3rd and final bill amounting to Rs.16,49,334/- including security of an amount of

Rs.4,50,000/- i.e. total sum of Rs.20,99,334/- 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 07.08.2023 (Annexure P-3) upon respondent No.5-the Executive Engineer, Mahendergarh Canal Water Services Division, Mahendergarh but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Vivek Saini, Addl. A.G. Haryana appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-the Executive Engineer, Mahendergarh Canal Water Services Division, Mahendergarh is directed to consider and decide the Legal Notice dated 07.08.2023 (Annexure P-3) 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 Engineer, Mahendergarh Canal Water Services Division, Mahendergarh to consider and decide the Legal Notice dated 07.08.2023 (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.

04.09.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No