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

CWP-25241-2021

Date of decision : 07.02.2023

M/s Food Processing Equipments Company Private Limited and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Singh Talwar, Advocate and
Mr. Ashutosh Dhankar, Advocate and
Mr. Yugank Goyal, Advocate for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Samarth Sagar, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially a writ in the nature of mandamus directing the respondents to fulfill their obligations including release of funds and pending payments, for and in relation to setting up of modern slaughter house at Faridabad.

Learned counsel for the petitioners has submitted that in the present Civil Writ Petition, primarily two issues/prayers have been made, the first issue is with respect to the sanction for setting up of slaughter house and the second issue is with respect to the payments that have to be made to

the petitioners for the work which has already been done and the expenses which have been incurred.

Learned counsel for the respondents have referred to the Status Report filed by way of an affidavit of Dusmanta K. Behera, Special Secretary to Government Haryana, Department of Urban Local Bodies, Haryana, Chandigarh, on behalf of respondent No.1 and have highlighted paras 5 and 6 of the said affidavit and the said paragraphs are reproduced hereinbelow:-

“5. That the Municipal Corporation, Faridabad vide its office letter no. MCF/EE-1/2021/25 dated 14.01.2022 had intimated to the Director, Urban Local Bodies, Haryana that the total project cost of this project would be Rs. 3076.22 Lacs and total grant received from the State and Central Government is Rs. 1398.13 Lacs and Municipal Corporation, Faridabad requires additional fund of Rs. 1678.22 Lacs for completion of the said project. The Corporation further intimated that if the State Government sanctions the required grant for this project then this project can be continued.

6. That the request of the Corporation has been considered at the level of the State Government. Accordingly, the Government has taken a decision to allocate funds to the tune of Rs. 1678.22 Lacs as demanded by the Municipal Corporation, Faridabad which was conveyed to the Corporation vide letter memo no. XEN- III/DULB/2022/1748 dated 28.03.2022 (Annexure R-1).”

Learned counsel for the respondents have further submitted that a reading of the said paragraphs would show that the State Government had sanctioned the required grant for the project and had taken a decision to allocate the funds to the tune of Rs.1678.22 lacs as demanded by the

Municipal Corporation, Faridabad. It is further submitted by learned counsel for the respondents that in view of the same, the first issue/prayer made by the petitioners has been rendered infructuous inasmuch as the sanction for setting up of slaughter house has been granted. It is contended that with respect to the second issue raised by the petitioners, the petitioners may make a representation detailing the expenses incurred along with the supporting documents and the said representation would be considered by respondent Nos.2 and 3 in accordance with law, within a period of three weeks from the date of receipt of the said representation. It is further contended that the amount which is found to be due, if any, would be paid to the petitioners within a further period of three weeks thereafter and in case, respondent Nos.2 and 3 find that the entire or some part of the amount is not due, then a speaking order regarding the same would be passed.

Learned counsel for the petitioners has submitted that in case, the claim of the petitioners regarding the dues and expenses is rejected then liberty be granted to them to challenge the same, in accordance with law.

Learned counsel for the petitioners has further submitted that in view of the stand taken by respondent Nos.2 and 3 with respect to the first prayer made by the petitioners, the same has been rendered infructuous.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with the following directions:-

- 1) The petitioners would give a representation along with the supporting documents for raising the claim which, as per them, is due to them on account of the work already done in respect of the project.
- 2) Respondent Nos.2 and 3 are directed to consider the said

representation, in accordance with law, within a period of three weeks from the date of the receipt of the said representation.

- 3) In case, respondent Nos.2 and 3 come to the conclusion, after considering the representation, that any amount is due to the petitioners, the same shall be paid within a period of three weeks from the date of the decision taken by them on the said representation.
- 4) In case, respondent Nos.2 and 3 find that no amount is due or that some part of the claim made by the petitioners is not due, then a speaking order on the said aspect be passed and communicated to the petitioners. It would be open to the petitioners to challenge the said rejection, in accordance with law.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

07.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No