

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

117

CWP-20017-2023
Date of Decision: 12.09.2023

THE PINK CO-OPERATIVE LABOUR AND CONSTRUCTION SOCIETY
LTD Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS Respondents

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

Present: Mr. Yogesh Kumar Aneja, 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.6,26,366/- including security of Rs. 3,88,992/- and other arrears qua the works executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner-society was assigned the work of development of different streets in Ward No. 18 of Tehsil Abohar, District Fazilka by the respondent No.4 i.e. Municipal Corporation, Abohar vide work order No. 08/41 dated 30.09.2020. The petitioner has successfully completed the aforesaid work in the month of December, 2021 but the due amount of Rs.6,26,366/- including security of Rs. 3,88,992/- 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 including latest representation dated 03.07.2023 (Annexure P-4) upon respondent-authorities but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Ms. Anju Sharma Kaushik, DAG, Punjab appears and accepts notice on behalf of respondents No.1 to 3.

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 respondent No.4-Municipal Corporation, Abohar.

On the asking of the Court, he accepts notice on behalf of respondent No.4-Municipal Corporation, Abohar.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-the Commissioner, Municipal Corporation, Abohar, Tehsil Abohar, District Fazilka is directed to consider and decide the representation dated 03.07.2023 (Annexure P-4) 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.4-the Commissioner, Municipal Corporation, Abohar, Tehsil Abohar, District Fazilka to consider and decide the representation dated 03.07.2023

(Annexure P-4) 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 representation, 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.

SEPTEMBER 12, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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