

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-23124-2023 (O&M).
Date of Decision: 12.10.2023.

THE CHAK SUKKAR CO-OP L & C SOCIETY LTD.

.. 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 preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the due payment of Rs.4,61,034/- including security amount qua certain works executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that certain works were allotted to the petitioner and one such allotment letter dated/ 21.06.2021 has been appended with the present petition as Annexure P-1. He further contends the work of construction of new link road F.F. Road to Dhani Nanak Nigri Length 1.10 km Block Jalalabad, District Fazilka; work of re-construction of 2 span 5 mtr. each slab type culvert x-ing link road Chak Sukkar to Dhani Hari Chand, length 1.25 km road code No.F07161 at RD 0.90 in Market Committee Jalalabad, Assembly Constituency Jalalabad, District Fazilka' and work of construction of 3 mtr.

Span slab type culvert (2 Nos.) over Suhele Wala Drain, Block Jalalabad, District Fazilka, stand successfully executed, however, the payment against the execution of the aforesaid works has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a legal notice dated 21.09.2023 (Annexure P-3) has been sent by the petitioner and that despite a lapse of about 20 days since the date of the legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Sanjay Sabharwal, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of the respondents and he has no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.5 the Executive Engineer, Construction Division No.1, PWD B & R Branch, Ferozepur, is directed to take note of the legal notice dated 21.09.2023 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

October 12, 2023

raj arora

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No