

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

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**CWP-23722-2023
Date of decision: 18.10.2023**

VIJAY KUMAR CONTRACTOR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Deepak Singh Saini, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1.

Mr. Vivek Chauhan, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents No.2 to 4 to pay the due amount of Rs. 21,68,429/- including earnest money and security qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner is a registered Government Contractor and is engaged in the business of Civil construction etc. under the name and style of Vijay Kumar Contractor. The petitioner was allotted the work of "Re-construction RMC M-40 road and RCC slab on storm water drain from Shani Mandir to Bevda

Chowk in Kharki Daula, Ward No.24, under MCG by respondent No.4 vide its office memo No. EE-1/MCG/2021/4795 dated 22.02.2021 for amounting to Rs. 68.65 lacs with the time limit of 06 months. The petitioner had completed the aforesaid work in all respect according to the instructions of Engineer-in-Charge and as per terms and conditions of the contract agreement on dated 21.08.2021 but the due amount of Rs. 21,68,429/- including earnest money and security 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 sent a legal notice dated 31.08.2023 (Annexure P-7) has been served 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.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1.

Mr. Vivek Chauhan, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Board and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondents No.2 to 4- Municipal Corporation, Gurugram.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 4- Municipal Corporation, Gurugram.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4 -the Executive Engineer-1, Municipal Corporation, Gurugram is directed to consider and decide the Legal Notice dated 31.08.2023 (Annexure P-7) 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 Executive Engineer-1, Municipal Corporation, Gurugram to consider and decide the Legal Notice dated 31.08.2023 (Annexure P-7) 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.

OCTOBER 18, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No