

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

112

**CWP-23663-2023
Date of decision: 18.10.2023**

THE CHEEMA PATTI CO.OP L & C SOCIETY LTD.Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERSRespondents

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

Present:- Mr. Chirag Girdhar, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 & 2.

Mr. Saurav Verma, Advocate
for respondent No.3.

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 to release the due payment of Rs. 1,66,94,331/- including security qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner.

During the years 2019 to 2022, various works were allotted to the petitioner vide different work orders. The details of these works and the amount

payable to the petitioner are mentioned in para 2 of the writ petition. The petitioner has successfully completed the said works and there is no dispute with regard to the works executed by the petitioner. The entries with regard to execution of these works have been made in the Measurement Book but inspite of that the payment of Rs.1,66,94,331/- including 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 submitted numerous representations to the respondents for releasing the due payment including security but no response has been received from the respondent-authorities. Recently, a legal notice dated 23.09.2023 (Annexure P-3) has been served upon respondent No.3-the Executive Officer, Municipal Council, Sunam, District Sangrur but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2.

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.3-the Executive Officer, Municipal Council, Sunam, District Sangrur

On the asking of the Court, he accepts notice on behalf of respondent No.3 -the Executive Officer, Municipal Council, Sunam, District Sangrur.

Learned counsel for the petitioner, however, submits that at this

juncture, he would be satisfied if respondent No.3 -the Executive Officer, Municipal Council, Sunam, District Sangrur is directed to consider and decide the representation dated 23.09.2023 (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.3 -the Executive Officer, Municipal Council, Sunam, District Sangrur to consider and decide the representation dated 23.09.2023 (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.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 18, 2023
Vishal Sharma

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