

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

129

**CWP-23948-2023 (O&M).
Date of Decision: 19.10.2023.**

THE DHILLWAN 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.17,06,473/- including security qua the works executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has completed various works assigned to it from time to time without any complaint. He submits that during the year 2021, certain works were allotted to the petitioner vide different work orders and the same have also been completed, however, the balance payment and security amount is still pending. The details of the works done and security amount pending as averred in para No.02 of the petition are extracted as under: -

Sr.No.	Details of the Works	Amount payable
1	Construction of open Nala and Drain and RCC Slab in different Wards in N.P. Nadala Work Order No.9 dated 03.12.2021 Date of Completion: 14.07.2022	2 nd & final bill Rs.12,02,004/- Security Rs.2,64,000/- Total Rs.14,66,004/-
2	Construction of drains in different wards in N.P. Nadala	Security Rs.2,40,469/-
	Grant Total	Rs.17,06,473/-

Learned counsel for the petitioner further contends that even though the works allotted to the petitioner stand successfully executed, however, the payment against the execution of the works and security amount 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 29.09.2023 (Annexure P-3) has been sent by the petitioner, however, 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.

Ms. Niharika Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and

accepts notice on behalf of respondents No.3 and 4 and they have 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.4 - the Executive Officer, Nagar Panchayat, Nadala, District Kapurthala, is directed to take note of the legal notice dated 29.09.2023 (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 19, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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