

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

123

CWP-24413-2023

Date of Decision: 07.11.2023

THE LUCKY CO-OPERATIVE L&C SOCIETY LTD.

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Akash Manocha, 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 due payment of Rs.8,24,450/- including security qua various works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. The petitioner is a Co-operative Society and is engaged in providing construction related services to various Government contractors. The petitioner was allotted the work of Pipeline, Tiles etc. in Municipal Limits of Sunam, District Sangrur by the office of respondent No.3. The petitioner completed the work around one year ago and all the bills regarding the same have been deposited in the office of respondent No.3. The details of the works executed

by the petitioner and the amount outstanding qua the same have been given in tabulated form in paragraph No.4 of the petition. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations followed by a legal notice dated 20.09.2023 (Annexure P-6) upon the respondents 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 accepts notice on behalf of respondent No.1 and prays for some time to complete instructions and file response, if necessary.

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 accept notice on behalf of respondents No.2 and 3. Hence, he accepts notice on behalf of the said respondents and also prays for some time to complete instructions and file response.

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 legal notice dated 20.09.2023 (Annexure P-6) in a time bound manner.

Learned counsel for the respective respondents do 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 to consider and decide the legal notice dated 20.09.2023 (Annexure P-6) 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.

07.11.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No