

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CWP-24166-2023
Date of decision: 20.10.2023

THE SADHU WALA CO-IPERATIVE LABOUR AND CONSTRUCTION
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.

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. 17,90,684/- 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. On 24.11.2021, the work of Providing & Laying Interlocking Tiles at Madhe

Moga Street Ward No.10 was allotted to the petitioner vide Work Order No. 00036 dated 24.11.2021 for an amount of Rs.16,01,724/-. The petitioner successfully completed the above said work on 20.02.2022 for an amount of Rs. 17,90,684/-. The 1st and final bill has been duly entered in the measurement book No. 193 from page Nos. 45 onwards but the due amount of this bill has not been paid till date. 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 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, Mansa 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, Mansa.

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

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3 -the Executive Officer,

Municipal Council, Mansa 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, Mansa 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.

OCTOBER 20, 2023

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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