

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

142

CWP-24975-2023
Date of Decision: 06.11.2023

TARSEM CHAND SINGLA

... Petitioner

VERSUS

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 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 the balance payment of Rs.33,70,785/- including security qua the works executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner had 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 year 2016, certain works were allotted to the petitioner. All the work orders are available with the petitioner and the copy of one of them dated 11.03.2016 has been appended as Annexure P-1. He submits that all the works were completed successfully in the year 2017; but the balance payment and security qua the said works have not been released by the respondents till date. The details of the works executed by the petitioner are duly given in paragraph No.3 of the

petition. He further contends that there is no dispute with regard to the amount payable to the petitioner and as such, the action of the respondents in not releasing the amount in question is totally illegal, arbitrary and unsustainable in the eyes of law. He further contends that the petitioner visited the office of the respondents on a number of occasions but the respondents did not release the amount in question. Further, the petitioner made several representations followed by a legal notice dated 09.10.2023 (Annexure P-3) which has recently been served upon respondent No.3 but no action has been taken thereupon till date.

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, if so advised.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if respondent No.3-The Municipal Council, Sangrur through its Executive Officer is directed to consider and decide the legal notice dated 09.10.2023 (Annexure P-3) in a time bound manner.

Both the learned counsel for respective respondents do not oppose the prayer made by the 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 the respondent No.3 to consider and decide the legal notice dated 09.10.2023 (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 favour of the petitioner within a further period of three months.

Disposed of accordingly.

NOVEMBER 06, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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