

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

114

CWP-25586-2023

Date of Decision: 15.11.2023

OMPARKASH

... Petitioner

VERSUS

THE STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Sandeep Kumar Yadav, 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 pay the amount of Rs.8,26,274/- alongwith interest @ 12% per annum qua the works executed by the petitioner.

Learned counsel for the petitioner contends that on 28.03.2020, the petitioner was allotted the work of repair and maintenance of various streets and drains from Wards No. 7 to 13 vide e-tender opened by respondent No.4 on 26.03.2020. The work was to be completed within a period of 60 days; but due to the outbreak of COVID-19 pandemic and rainy season, the limit for completing the work was extended till March 2021. After completion of the work, the final bill of Rs.9,83,660/- was submitted to respondent No.4. The respondents completed all types of formalities and found the work to be satisfactory. 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 01.10.2023 (Annexure P-15) 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.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1 to 3 and prays for some time to complete instructions and file response, if necessary.

Mr. Vivek Saini, Addl. A.G., Haryana, 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 respondent No.4. Hence, he accepts notice on behalf of the said respondent 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.4- Municipal Committee, Kanina, District Mohindargarh, through its Chairman and Secretary is directed to consider and decide the legal notice dated 01.10.2023 (Annexure P-15) 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.4 to consider and decide the legal notice dated 01.10.2023 (Annexure P-15) 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.

15.11.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No