

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

112

**CWP-54-2023
Date of decision: 06.01.2023**

THE BAJAJ BROTHERS CO-OP L AND 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.

Mr. Vishnav Gandhi, DAG, Punjab
for respondents No.1 & 2.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India, 1950 for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 1,13,43,097/- including security and earnest money qua certain works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted certain works during the year 2019 to 2022 which were duly executed by the petitioner but the due payment, security and earnest money has not been released to the petitioner.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 23.11.2022 (Annexure P-3) has been made by the petitioner to the respondent No.3-the Executive Officer, Municipal Council, Zira, District Ferozepur for release of his due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3-the Executive Officer, Municipal Council, Zira, District Ferozepur is directed to look into the including Legal Notice dated 23.11.2022 (Annexure P-3) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Vishnav Gandhi, DAG, Punjab appears and accepts notice on behalf of respondents No.1 & 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 respondents No.3-Municipal Council, Zira, District Ferozepur.

On the asking of the Court, he accepts notice on behalf of respondent No.3 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.3-the Executive Officer, Municipal Council, Zira, District Ferozepur to examine the grievance espoused by the petitioner in the Legal Notice dated 23.11.2022 (Annexure P-3) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of

certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANURARY 06, 2023
Vishal Sharma

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