

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

259

CWP-36034-2019

Date of Decision: 16.01.2023

SUDESH KUMAR ELECTRICALS AND SERVICE

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Nikhil Chopra, Advocate
for the respondents No.2 to 6.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of the petitioner amounting to Rs.19,17,915/- qua various development works executed by the petitioner within the limits of Municipal Corporation, Gurugram.

Learned counsel for the petitioner contends that the petitioner has executed various developments of street lighting etc. and there had been no complaint against the execution of works. Despite satisfactory execution of the works, the due payment was not released in favour of the petitioner.

Pursuant to the notice issued to the respondents, written statement has been filed on behalf of respondents No.2 to 6, wherein it has been averred that the necessary work orders, bills and the execution report/ completion certificates etc. had not been submitted by the petitioner and as a result of the same, the case of the petitioner could not be processed. Learned counsel for the

respondents No.2 to 6 has drawn the attention of the Court towards the letter bearing Memo No.EE-(E)/MCG/2020/36072 dated 02.12.2020 (Annexure R-3), whereby the petitioner was requested to get his executed works re-verified and to submit the bills and other documents so that his case could be put up before the competent Authority for taking appropriate decision thereupon.

Learned counsel for the petitioner contends that pursuant to the aforesaid letter communicated by respondent No.2, all requisite bills and certificates have already been furnished by the petitioner to the competent Authority on 18.01.2021, however, no decision has been taken thereupon till date. He further contends that he would be satisfied at this juncture, if the respondents are directed to decide the claim of the petitioner in a time bound manner after affording an opportunity of hearing to the petitioner.

Learned counsel for the respondents No.2 to 6 has no objection to the same.

In view of the above and 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.2 to consider the claim of the petitioner in the light of the bills and documents submitted by him and to pass a speaking and reasoned order thereupon within a specified time frame and preferably within a period of three months from the date of receipt of certified copy of this order

Needless to mention that if, upon consideration, any amount is found due to the petitioner, the same shall be disbursed in his favour within a further period of three months, failing which, the amount so found due shall

carry interest at the rate of 6% per annum from the date of filing of the present petition till actual realization.

Petition stands disposed of accordingly.

16.01.2023.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No