

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

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**CWP-26287-2023
Date of Decision: 23.11.2023**

M/s RR INDUSTRIES

..... 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.

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 due amount of Rs. 12,47,992/- qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 31.05.2021, the work of Rehabilitation of Green Belt Children friendly park near L type play park at Metro Road Jamalpur Zone B was allotted to the petitioner vide work order No. G-33 No.2/EEB dated 31.05.2021. The petitioner has successfully completed the aforesaid work on 28.10.2022. It is further submitted that the substantial principle amount has been paid to the

petitioner but the balance principle amount of Rs. 1,04,591/- which has been illegally withheld on account of 1½ ESI and security amount of Rs. 6,97,275/- has not been paid to the petitioner. Moreover, as there is a huge delay in paying the principle amount as such, the petitioner is also entitled to interest on delayed payment. The total amount payable to the petitioner comes to Rs. 12,47,992/-. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a Legal Notice dated 18.07.2023 (Annexure P-4) upon respondent-authorities but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Teevar Sharma, Asstt. A.G. Punjab appears and accepts notice on behalf of respondents No.1 to 3.

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.4 to 6-Municipal Corporation, Ludhiana.

On the asking of the Court, he accepts notice on behalf of respondent No.4 to 6-Municipal Corporation, Ludhiana.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-the Commissioner, Municipal Corporation, Ludhiana is directed to consider and decide the Legal Notice dated 18.07.2023 (Annexure P-4) 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.4-the Commissioner, Municipal Corporation, Ludhiana to consider and decide the Legal Notice dated 18.07.2023 (Annexure P-4) 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.

NOVEMBER 23, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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