

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

121

**CWP-26360-2023 (O&M).**  
**Date of Decision: 23.11.2023.**

**The Bhucho Mandi Co-op L&C Society Ltd.**

.. Petitioner

Versus

**State of Punjab and others**

... Respondents

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

PRESENT    Mr. Chetan Sehgal, Advocate, and  
                 Ms. Diksha Sharma, Advocate, for the petitioner.

**VINOD S. BHARDWAJ, J. (ORAL)**

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the outstanding security amount of Rs.6,28,283/- along with interests @ 18% per annum from the date of deposit till its realization as per the Work Orders (Annexures P-2 and P-6).

It is averred that Municipal Council, Tapa, issued various Work Orders to the petitioner for development works and the petitioner completed the said works to the satisfaction of the Department concerned,

the details of which as mentioned in paragraph No.07 of the present writ petition and are extracted as under:-

| Tender Estimate | 1 | Work Order                                   | Bill Amount | Bill Outstanding | Security Balance |
|-----------------|---|----------------------------------------------|-------------|------------------|------------------|
| 16,85,000       |   | Work Order No.13, Book No.3 Dated 19.08.2020 | 5,70,806/-  | --               | 76,133           |
|                 |   |                                              | 3,66,875/-  |                  | 43,162           |

| Tender Estimate | 2 | Work Order                                   | Bill Amount | Bill Outstanding | Security Balance |
|-----------------|---|----------------------------------------------|-------------|------------------|------------------|
| 29,84,000       |   | Work Order No.12, Book No.3 Dated 19.08.2020 | 2,47,870/-  | --               | 33,050           |
|                 |   |                                              | 5,67,138    | -                | 75,618           |
|                 |   |                                              | 5,65,278    | -                | 75,370           |
|                 |   |                                              | 52,826      | -                | 7,044            |

| Tender Estimate | 3 | Work Order                                   | Bill Amount | Bill Outstanding | Security Balance |
|-----------------|---|----------------------------------------------|-------------|------------------|------------------|
| 9,93,000        |   | Work Order No.20, Book No.3 Dated 19.08.2020 | 5,11,972/-  | --               | 68,264           |
|                 |   |                                              | 30,351      | --               | 4,046            |

| Tender Estimate | 4 | Work Order                                   | Bill Amount | Bill Outstanding | Security Balance |
|-----------------|---|----------------------------------------------|-------------|------------------|------------------|
| 21,03,000       |   | Work Order No.11, Book No.3 Dated 19.08.2020 | 8,32,389/-  | --               | 1,10,980         |
|                 |   |                                              | 3,25,328    | --               | 43,378           |

|                 |   |                                              |             |                  |                  |
|-----------------|---|----------------------------------------------|-------------|------------------|------------------|
| Tender Estimate | 5 | Work Order                                   | Bill Amount | Bill Outstanding | Security Balance |
| 12,19,000       |   | Work Order No.22, Book No.3 Dated 19.08.2020 | 4,75,520    | --               | 63,403           |
|                 |   |                                              | 2,08,764    | -                | 27,835           |

Learned counsel for the petitioner contends that the aforesaid works stand successfully executed, however, the payment against the execution of the aforesaid works has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He contends that in this regard, a representation dated 20.10.2023 (Annexure P-7) has been sent by the petitioner and that despite a lapse of about 1 month since the date of the representation neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He further contends that he would be satisfied in case the respondent authorities are directed to look into the representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Teevar Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1 to 5 and 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 and accepts notice

on behalf of respondent No.6, and they have no objection to the aforesaid prayer being granted..

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent No.6 - the Executive Officer, Municipal Council, Tapa, District Barnala, is directed to take note of the representation dated 20.10.2023 (Annexure P-7) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

|                                  |                            |
|----------------------------------|----------------------------|
| <b>November 23, 2023</b>         | <b>(VINOD S. BHARDWAJ)</b> |
| <b>raj arora</b>                 | <b>JUDGE</b>               |
| <i>Whether speaking/reasoned</i> | : Yes/No                   |
| <i>Whether reportable</i>        | : Yes/No                   |