

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

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**CWP-26541-2023
Date of Decision: 28.11.2023**

**THE SWACHH HARYANA COOPERATIVE MULTIPURPOSE SOCIETY
LTD.**

.... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.... Respondents

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

**Present: Mr. Devinder Singh, 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 release the payment of Rs.23,50,694/- qua the works executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner is running the Society in the name and style of “The Swachh Haryana Cooperative Multipurpose Society Ltd.” and is working as Government Contractor and Supplier. The Municipal Committee, Bawani Khera i.e. respondent No.4 allotted the work order to the petitioner for construction of drain from Sunrise School to Pur Minor in Bawani Khera vide memo No.

395MCBK dated 08.03.2019 with the estimated amount of Rs. 35.30 lacs and later on the estimated amount of the said work was revised to Rs. 82.05 lacs vide letter No. 8262 dated 22.06.2020 via tender ID No. 2018HRY72282 dated 08.01.2019. The petitioner being contractor started the construction of aforesaid work. The official respondent No.4 release the payment of running bill of the said work but the amount of Rs. 23,50,694/- as final amount has not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations to the respondents but due amount has not been released by the petitioner. Recently, a representation dated 25.10.2023 (Annexure P-7) has been sent by the petitioner upon respondent-authorities to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1 to 3.

Mr. Vivek Saini, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Board and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondent No.4-Municipal Committee, Bawani Khera, District Bhiwani.

On the asking of the Court, he accepts notice on behalf of respondent No.4-Municipal Committee, Bawani Khera, District Bhiwani.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-Municipal Committee,

Bawani Khera, District Bhiwani is directed to consider and decide the representation dated 25.10.2023 (Annexure P-7) 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 respondent No.4-Municipal Committee, Bawani Khera, District Bhiwani is directed to consider and decide the representation dated 25.10.2023 (Annexure P-7) 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 representation, 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 28, 2023

Vishal sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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