

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

109

CWP-26868-2023 (O&M).
Date of Decision: 01.12.2023.

SANDEEP KUMAR CONTRACTOR

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Navneet Jindal, 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 clear the outstanding dues/payments of Rs.1,26,38,935/- as per final bill qua the works executed by the petitioner along with interest @ 18% per annum.

At the very outset, learned counsel for the petitioner prays that respondent No.4-Municipal Commissioner, Hisar, against which no relief has been claimed be deleted from the array of respondents.

The prayer is accepted and respondent No.4 is ordered to be deleted from the array of respondents.

Learned counsel for the petitioner contends that the petitioner has completed the work of Construction of Fire Station at Bawani Khera

allotted vide Memo No.552/MCBK dated 13.08.2018 regarding which an agreement was also executed on 13.08.2018 between the office of respondent No.3 and petitioner. It is submitted that the allotment letter as well as agreement have been appended along with the present writ petition as Annexures P-1 and P-2. Learned counsel for the petitioner further contends that even though the work allotted to the petitioner stands successfully executed, however, the payment against the execution of the aforesaid work 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 legal notice dated 07.10.2023 (Annexure P-5) has been sent by the petitioner. A reply dated 20.10.2023 (Annexure P-6) to the above said legal notice through Advocate was sent by the respondents and the petitioner replied to the same on 12.11.2023 straightening the facts and also prayed for release of the due amount, however, 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 legal notice 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. Pankaj Mulwani, DAG, Haryana, accepts notice on behalf of respondents No.1 and 2 and Mr. Vivek Saini, Addl. A.G., Haryana, 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.3 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.3 - the Secretary, Municipal Committee, Bawani Khera, is directed to take note of the legal notice dated 07.10.2023 (Annexure P-5) as well as the subsequence notice dated 12.11.2023 (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.

December 01, 2023
raj arora

Whether speaking/reasoned
Whether reportable

(VINOD S. BHARDWAJ)
JUDGE

: Yes/No
: Yes/No