

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

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**CWP-27254-2023
Date of Decision: 05.12.2023**

**THE SWACHH HARYANA CO-OP L AND C
MULTIPURPOSE SOCIETY LTD**

... 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 instituted under Articles 226 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to clear the outstanding dues/payments as per interim bill amounting to Rs.13,51,799/- alongwith interest @ 18% per annum till actual realization.

Learned counsel for the petitioner contends that the petitioner was selected for the work of “Conditional Work Order (Construction of Balmiki Dharamsala at Bawani Khera) having tender ID No.2018_HRY_72397_1 dated 07.01.2019”. The work was allotted vide letter dated 27.02.2019 bearing memo No.MCBK/296/2019. As per the terms and conditions of the work order/ allotment the bill was to be paid from time to time to enable the contractor to proceed further with the work. Accordingly, the petitioner raised a bill amounting to Rs.13,51,799/- on 15.10.2022 after deduction of the security amount of 10% i.e. Rs.1,60,641/- and other taxes. Besides, an amount of

Rs.6,48,078/- is also pending from the first bill. Thus total outstanding amount is Rs.19,99,877/-. However, the said amount has not been released till date. The petitioner visited the office of the respondents for a number of times, but all the times, the respondents put off the matter on one pretext or the other. Finally, the petitioner got served a legal notice dated 07.10.2023 (Annexure P-4) upon the respondents; but not action has been taken thereupon by the respondents. Respondent No.3, however, replied to the legal notice dated 07.10.2023 mentioning that the amount of first bill has already been released on 18.10.2023; but he did not mention anything about the payment of second running bill, which is pending with them. Reply to the said reply dated 18.10.2023 of respondent No.3 was also sent by the petitioner on 21.11.2023, but of no avail.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1, 2 and 4; and prays for some time to complete instructions and file response, if necessary.

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 Haryana, is directed to accept notice on behalf of respondent No.3. Hence, he accepts notice on behalf of the said respondent and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.4 – District Municipal Commissioner, Bhiwani, O/o Mini Secretariat, Bhiwani, Haryana is directed to consider and decide the legal notice dated 07.10.2023 (Annexure P-4) in a time bound manner.

Both the learned counsel for respective respondents do not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, 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.4 to consider and decide the legal notice dated 07.10.2023 (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 favour of the petitioner within a further period of three months.

Petition stands disposed of accordingly.

DECEMBER 05, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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