

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

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CWP-27783-2023 (O&M).

Date of Decision: 12.12.2023.

M/S ZORA SINGH AND COMPANY

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. S.K. Verma, Advocate,  
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ especially in the nature of Mandamus directing the respondents to release the balance payment of Rs.11,00,000/- against transportation bills along with interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner had provided the trucks as per the terms and conditions of the contract and submitted bills but the respondents did not make the payment of the entire bill and illegally withheld an amount of Rs.16,00,000/-. He submits that the petitioner submitted a representation dated 16.07.2021 after which respondent No.3 verified the bills and wrote a letter to respondent No.2 informing that the payment of the contractor (petitioner) has not been deducted rather the same has been withheld till the final calculation of penalty through e-portal. It is submitted that after various communications, the respondents released the payment of Rs.5,22,000 on 04.08.2022 but

withheld the amount of Rs.11,00,000 without any basis. It is submitted that the petitioner wrote various letters, however, since there was no response, petitioner sent a legal notice dated 14.09.2023 (Annexure P-6), 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 respondent No.1/State and Mr. Vivek Saini, Advocate accepts notice on behalf of respondents No.2 to 4 (HAFED), 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 General Manager (Proc. And WH), HAFED, Panchkula, is directed to take note of the legal notice dated 14.09.2023 (Annexure P-6) 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 12, 2023  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

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