

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

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CWP-28637-2023

Date of decision: 20.12.2023

M/S DIGITAL CONTROL SYSTEMS

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Siddharth Gupta, 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 pay balance payment of Rs.17,70,000/- qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner-firm had executed various works assigned to it by various Department of Government of Haryana including Municipal Corporation, Faridabad from time to time. In the year 2019, respondent-authorities invited tender for SCADA based Automation and Online Monitoring with Operation and Maintenance of 2 nos. of Intermediate Sewerage Pumping Station and Storm

Water Disposal in Sector 13 & 14, Ward No. 32, Division-III, Faridabad. The details and the amount of the aforesaid work are mentioned in Para No.4 and 5 of the writ petition. The respondent-Municipal Corporation, Faridabad made the payment of all running bills during the period 03.10.2019 to 02.12.2021 and even bills pertaining to extended period of work were also being cleared upto November, 2021 but the bills w.e.f. 03.12.2021 were not cleared by respondent-Municipal Corporation, Faridabad. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted various representations dated 01.08.2022, 05.08.2022, 12.09.2022 and 20.09.2022 (Annexure P-4) to the respondents but neither due amount has been released by the respondent- authorities nor any response has been received by the petitioner till date.

Notice of motion.

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

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.2 to 4-Municipal Corporation, Faridabad.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 4-Municipal Corporation, Faridabad.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-Executive Engineer, Division No.3, Municipal Corporation, Faridabad is directed to consider and

decide the representations dated 01.08.2022, 05.08.2022, 12.09.2022 and 20.09.022 (Annexure P-4) 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 directing respondent No.4-Executive Engineer, Division No.3, Municipal Corporation, Faridabad to consider and decide the representations dated 01.08.2022, 05.08.2022, 12.09.2022 and 20.09.022 (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 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.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 20, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No