

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

123

CWP-28992-2023
Date of Decision: 21.12.2023

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 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 clear the outstanding dues/payments as per final bill amounting to Rs.3,57,72,890/- (including security amount) alongwith interest @ 18% per annum from 02.05.2023 till actual realization.

Learned counsel for the petitioner contends that the petitioner was allotted the work of construction of R.C.C. Drain from Khanda Road to main Hansi-Narnaund Road in front of STP in Narnaund bearing tender ID No.2020_HRY_151624-1 dated 15.07.2020 vide Memo No.4013 dated 29.12.2020 and an agreement was also executed on 29.12.2020 between the office of respondent No.3 and the petitioner. The petitioner started the work and bills were raised from time to time, which were passed after due verification. However, the amount of final bill to the tune of Rs.3,57,72,890/- including the

security amount has not been cleared till date despite having been verified by the higher officials of M.C. Narnaund. The petitioner wrote various letters including the letter dated 19.11.2023 which was the fifth reminder requesting the release of the payment but he got no response from the respondents. Every time the petitioner got lame excuses either regard paucity of funds or that the same is under process. Finding no option, the petitioner got served a legal notice dated 24.11.2023 (Annexure P-5) upon the respondents but no action has been taken thereupon till date.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1 and 2; 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 respondents No.3 and 4. Hence, he accepts notice on behalf of the said respondents and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if the respondent No.4- District Municipal Commissioner, Hisar O/o District Municipal Commissioner, near Malik Chowk, Nagar Nigam Office, Hisar, Haryana is directed to consider and decide the legal notice dated 24.11.2023 (Annexure P-5) 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 the respondent No.4 to consider and decide the legal notice dated 24.11.2023 (Annexure P-5) 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 21, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No