

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

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**CWP-28832-2023
Date of Decision: 21.12.2023**

MUKESH 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 pay the outstanding dues/payment as per final bill amounting to Rs.3,07,42,820/- including security amount qua the works executed by the petitioner, alongwith interest @ 18% per annum from 26.08.2023 till actual realization.

Learned counsel for the petitioner contends that the petitioner was selected for the work of “Construction of RCC Drain from Sawraj Agency to Public Health STP in Narnaund Tender ID 2020_HRY_151655_1” dated 15.07.2020 and consequently the agreement was also entered into on 24.12.2020. The aforesaid work has been completed as per DNIT and after completion of work, the entry in this regard has been made in MB No. 279 page No. 167-177 by the concerned Junior Engineer

and verified by the concerned Municipal Engineer and other higher authorities. However, the due amount of Rs.3,07,42,820/- in respect of the aforesaid work has not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations to the respondents but no response has been received by the petitioner. Lastly, a Legal Notice dated 24.11.2023 (Annexure P-3) has been served by the petitioner upon respondent-authorities to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1 and 2.

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.3 & 4-M.C.-Hisar.

On the asking of the Court, he accepts notice on behalf of respondent No.3 and 4 -M.C-Hisar.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-Municipal Commissioner-Hisar is directed to consider and decide the Legal Notice dated 24.11.2023 (Annexure P-3) 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-Municipal Commissioner-Hisar to consider and decide the Legal Notice dated 24.11.2023 (Annexure P-3) 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 his favour within a further period of three months.

Petition stands disposed of accordingly.

DECEMBER 21, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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