

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

119

CWP-964-2024
Date of Decision: 16.01.2024

THE SWACHH HARYANA CO-OP L&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 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release outstanding dues/payments of Rs. 61,33,918/- qua the works executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner got selected for the work of Tender ID 2022_HRY_245207_1, Tender ID 2022_HRY_245208_1 for purchasing and Installation of Decorative poles with Fancy LED light and tender Tender ID 2022_HRY_245453_2 “R& M material of street lights in MC, Panipat. After the completion of the aforesaid

work, the petitioner has raised a bill amounting to Rs. 61,33,918/-. The measurement books were duly signed and reports were made on 06.04.2023 for completion of work. However, the outstanding/due amount of Rs. 61,33,918/- has not been released to the petitioner. The petitioner approached the respondents many times, but nothing fruitful could be fetched. Lastly, a Legal Notice dated 28.11.2023 (Annexure P-4) was sent 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 Boards and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondent No.3-Municipal Commissioner, Panipat.

On the asking of the Court, he accepts notice on behalf of respondent No.3-Municipal Commissioner, Panipat.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-the Municipal Commissioner, Panipat is directed to consider and decide the Legal Notice dated 28.11.2023 (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.3-the Municipal

Commissioner, Panipat to consider and decide the Legal Notice dated 28.11.2023 (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 his favour within a further period of three months.

Petition stands disposed of accordingly.

JANUARY 16, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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