

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-611-2024 (O&M).
Date of Decision: 11.01.2024

The Dynamic Co-op. L & C Society Ltd.

.. Petitioner

Versus

The State of Punjab and others

... Respondents

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

Present: Mr. T.P.S. Makkar, 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 make the due payment of Rs.11,70,000/- (including security amount of Rs.5,15,960/- deducted at the time of making payment of the bills and Rs. 11,570/- as earnest money deposited at the time of allotment of both the works) qua the works executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the aforesaid works were allotted to the petitioner from time to time and the same stands successfully executed, however, the outstanding payment against the execution of the aforesaid works have not been released yet, even though the final bills submitted by the petitioner already stand approved by the

competent authority. He contends that in this regard, a representation dated 08.09.2023 (Annexure P-5) has been sent by the petitioner and that despite a lapse of more than 04 months since the date of the aforesaid representation 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 aforesaid representation 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.

Ms. Niharika Sharma, AAG Punjab, accepts notice on behalf of respondent No.1 and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondents No.2-Nagar Panchayat Kot Isse Khan, District Moga through its Executive Officer, and submit that 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.2-Nagar Panchayat Kot Isse Khan, District Moga through its Executive Officer, is directed to take note of the representation dated 08.09.2023 (Annexure P-5) 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.

11.01.2024

Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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