

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

110

CWP-1053-2024
Date of Decision: 18.01.2024

THE KABAR WACHHA CO-OP L AND C SOCIETY LTD.

... Petitioner

VERSUS

THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LTD. AND ANR.

... Respondents

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

Present: Mr. Satnam Singh, Advocate
for the petitioner.

Mr. T.P.S. Makkar, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for directing the respondents to make the payment of Rs.13,98,200/- on account of the work executed by the petitioner alongwith interest @ 12% per annum

Learned counsel for the petitioner contends that the petitioner is a Government Contractor. He further contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. On 02.06.2023, the work of repair of Road and Rain Water Harvesting System in NCDC Complex at Batala, District Gurdaspur was allotted to the petitioner vide letter No.EE/FED/Ldh/2023/76 dated 02.06.2023. The total cost of the said work was Rs.44,33,228/- and the time limit to complete the said work was four months to be commenced after 10 days of issuance of the allotment letter. The petitioner successfully completed the said work on 28.08.2023. There has been no

complaint regarding the successful completion of the work and the payment of first running bill amounting to Rs.32,44,402/- has also been made to the petitioner. However, the remaining amount of Rs.13,98,200/- is still outstanding towards the petitioner and the respondents have withheld the same without any reason or rhyme. He further contends that the petitioner visited the office of the respondents on a number of occasions but the respondents did not release the amount in question. Further, the petitioner made several representations followed by a legal notice dated 11.12.2023 (Annexure P-4) which has recently been served upon the respondents but no action has been taken thereupon till date.

Notice of motion.

Mr. T.P.S. Makkar, Advocate enters appearance and accepts notice and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2- The Executive Engineer, Markfed, Ludhiana, District Ludhiana is directed to consider and decide the legal notice dated 11.12.2023 (Annexure P-4) in a time bound manner.

The learned counsel for the respondents does not oppose the prayer made by the 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.2 to consider and decide the legal notice dated 11.12.2023 (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 of the 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.

JANUARY 18, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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