

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-829-2024 (O&M)
Date of decision:15.01.2024

The Daulatpura Ucha Majbi Sikha Co-op L & C Society Ltd.
...Petitioner

VERSUS

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.10,20,000/- on account of security deducted at the time of making payment of the work of construction of Community Hall at Municipal Land Gherya Wali, Bijlighar Road, Ward No.1, executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the various works were allotted to the petitioner (including the aforesaid work) from time to time and the same stand successfully executed, however, the payment qua the aforesaid work has been released but the amount of security has not been released so far. He contends that in this regard, a representation

dated 25.08.2023 (Annexure P-3) 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 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 respondent No.2-Executive Officer, Municipal Council, Baghapurana, District Moga, 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 respondent No.2- Executive Officer, Municipal Council, Baghapurana, District Moga, is directed to take note of the representation dated 25.08.2023 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law 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 gets 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.

(VINOD S. BHARDWAJ)
JUDGE

15.01.2024
Mangal Singh

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