

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-1090-2024
Date of Decision: 18.01.2024

SVN ASSOCIATES THROUGH ITS PROPRIETOR.

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. M.K. Sood, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for directing the respondents to release the payment of Rs.56,32,397/- on account of the work of 'door to door collection of garbage and processing of garbage for eight wards' from 11.07.2019 to 30.06.2020 alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner is a contractor registered with the State of Haryana and the petitioner firm is already engaged with respondent No.3 and has been doing the work of cleaning, sweeping the streets and transportation of garbage to the dumping site. It is further contended that in the meeting of the House dated 25.06.2019, the respondent No.3 decided to start door to door collection of garbage in 08 wards of Municipal Council, Palwal and the said work was allotted to the petitioner. The petitioner started the work and deployed 08 vehicles for the said work. The petitioner submitted various bills for the work done from 11.07.2019 to 31.08.2019 totaling a sum of Rs.56,80,288/-. Details of the bills have been duly given in paragraph No.3 of the petition. Respondent No.3 vide resolution No.8

dated 29.01.2021 has already decided to make the payment to the petitioner firm and the bills have also been cleared by the Competent Authority. But till date no action has been taken by the respondents to release the amount in question. Thereafter, the petitioner served a legal notice dated 12.05.2023 (Annexure P-4) upon the respondents but no action has been taken thereupon till date.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1 and 2; whereas Mr. Vivek Saini, Advocate enters appearance and accepts notice on behalf of respondents No.3 and 4; and they pray 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.4- Executive Officer, Municipal Council, Palwal is directed to consider and decide the legal notice dated 12.05.2023 (Annexure P-4) in a time bound manner.

The learned counsel for the respective respondents do 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.4 to consider and decide the legal notice dated 12.05.2023 (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
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(VINOD S. BHARDWAJ)
JUDGE

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