

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-1286-2024 (O&M)
Date of decision: 20.01.2024

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

...Petitioner

VERSUS

The State of Punjab and another

...Respondents

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

Present :- Mr. Ajay Pal Singh, Advocate for
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.10,00,000/- (including security amount of Rs.6,33,609/- deducted at the time of making payment of the bills) qua the works 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 from time to time and the same stands successfully executed, however, the outstanding payment (including security amount as stated above) 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 22.08.2023 (Annexure P-9) 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, 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-The Executive Officer, Nagar Panchayat Kot Isse Khan, District Moga, is directed to take note of the representation dated 22.08.2023 (Annexure P-9) 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 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.

(VINOD S. BHARDWAJ)
JUDGE

20.01.2024
Mangal Singh

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