

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

120

CWP-1564-2024
Date of Decision: 24.01.2024

SVN ASSOCIATES THROUGH ITS PROPRIETOR SHYAM BIR

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.... Respondents

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

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the payment of Rs. 16,40,187/- for providing Tractor Water Pump for total 4075 hours to pump out water from under pass, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner is contractor and registered with the State of Haryana. The respondent No.3 vide resolution No. 76 dated 7.7.2019 decided to hire tractor water pump as water had entered Shiv Colony, Samshabad, Islabagh and Basant Garh due to rain and flooding of area. The petitioner firm deployed tractors and after completion of work petitioner submitted the bills for the month of November, 2019, January, 2020, February, 2020, 01.03.2020 to 30.04.2020 and

01.05.2020 to 31.07.2020. The bill was duly verified and approved by the respondents No.3 and 4. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Lastly, a Legal Notice dated 12.05.2023 (Annexure P-4) has been served by the petitioner upon respondent-authorities to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Vivek Saini, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Boards and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondent No.3 and 4-Municipal Council, Palwal.

On the asking of the Court, he accepts notice on behalf of respondent No.3 and 4-Municipal Council, Palwal.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-the 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.

Learned counsel for the respondents does not oppose the prayer made by 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-the Executive Officer, Municipal Council, Palwal 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 from the date of 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 his favour within a further period of three months.

Petition stands disposed of accordingly.

JANUARY 24, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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