

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-5368-2024 (O&M)
Date of decision: 06.03.2024

The Krishna Nagar Co-operative Labour and Constructions Society Ltd.,
Street No.3, Gobind Nagri, Abohar, District Fazilka.

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. Kamal Gupta, 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 release the due amount of Rs.39,21,039/- including security qua certain works executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner-Firm has executed various works assigned to it from time to time and the same stands successfully executed and completed, however, the outstanding balance payment and security has 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 legal notice dated 25.01.2024 (Annexure P-4) has been sent by the petitioner and that despite a lapse of more than 01 month since the date of the aforesaid legal notice 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 legal notice 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 respondents-State. Mr. Aditya Pratap Duggal, Advocate, enters appearance and filed memorandum of appearance on behalf of respondent No.3 and they 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.3-Municipal Commissioner, Municipal Corporation, Abohar, District Fazilka, is directed to take note of the legal notice dated 25.01.2024 (Annexure P-4) 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

06.03.2024

Mangal Singh

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