

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-6963-2024

Date of Decision: 02.04.2024

THE RAIPUR COOPERATIVE L AND C SOCIETY LTD

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Chirag Girdhar, 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 due payment of Rs. 17,54,352/- including security qua the works executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 08.12.2021, the works of deepening S.T.P land in City was allotted to the petitioner vide work order No. 40 dated 08.12.2021. The petitioner has successfully completed the aforesaid work on 24.06.2022. However, balance

payment of Rs. 2,07,430/- from the 1st running bill and an amount of Rs. 13,46,047/- from the 2nd and final bill and security amount of Rs. 2,00,875/- has not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations to the respondents but no response has been received by the petitioner. Lastly, a Legal Notice dated 21.02.2024 (Annexure P-3) has been served by the petitioner upon respondent No.3- the Executive Officer, Municipal Council, Mansa to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Niharika Sharma, Asstt. A.G. Punjab appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Vipin Pal Yadav, Advocate, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondent No.3- Municipal Council, Mansa.

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

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-Executive Officer, Municipal Council, Mansa is directed to consider and decide the Legal Notice dated 21.02.2024 (Annexure P-3) 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.3- the Executive Officer, Municipal Council, Mansa to consider and decide the Legal Notice dated 21.02.2024 (Annexure P-3) 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.

APRIL 02, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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