



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CWP-12461-2024
Date of Decision: 24.05.2024

THE MOTIWAL CO. OP L&C SOCIETY LTD.

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Chirag Girdhra, 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 due payment of Rs. 10296599.43 including earnest money 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 15.03.2019, the works of Construction of Boundary Wall at allied works with High Security Zone, Central Jail, Ferozepur was allotted to the petitioner vide agreement No. 16/2018-19/EE/Civil/BTH at SAS Nagar. The petitioner has successfully completed this work on 05.01.2020 for an amount of Rs.

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5263006.68. However, only an amount of Rs. 4914275.75 ps. has been paid to the petitioner but the balance payment of Rs.10177282.43 has not been paid to the petitioner. Apart from it, the earnest money deposit amounting to Rs. 1,19,317/- has also not been paid to the petitioner. Meaning thereby a total amount payable to the petitioner comes to Rs. 10296599.43. The petitioner approached the respondents 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 01.03.2024 (Annexure P-4) has been served by the petitioner upon respondent No.6-Executive Engineer (Civil) Punjab Police Housing Corporation Ltd. Bathinda Division, S.A.S.Nagar, Mohali to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Harpriya Khaneka, DAG, Punjab appears and accepts notice on behalf of respondents No.1.

Mr. Saurav Verma, 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 respondents No. 2 to 7-Punjab Police Housing Corporation.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 7- Punjab Police Housing Corporation.



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Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.6-Executive Engineer (Civil) Punjab Police Housing Corporation Ltd. Bathinda Division, S.A.S.Nagar, Mohali is directed to consider and decide the Legal Notice dated 01.03.2024 (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.6-Executive Engineer (Civil) Punjab Police Housing Corporation Ltd. Bathinda Division, S.A.S.Nagar, Mohali to consider and decide the Legal Notice dated 01.03.2024 (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.

(VINOD S. BHARDWAJ)
JUDGE

MAY 24, 2024
Vishal sharma

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