

2024:PHHC:103470



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

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CWP-14271-2024

Date of Decision: 12.08.2024

SHIV GANGAY CONTRACTORS

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Amit Khari, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to clear the payment due to the petitioner to the tune of Rs.52,85,478/- alongwith interest @ 18% per annum for supplying the material for development works at Village Mujedi in Municipal Limits of Faridabad.

Learned counsel for the petitioner contends that the petitioner was allotted the work of supplying complete building material by Gram Panchayat Mujedi for construction/development work of the said Gram Panchayat. It is contended that the quantity and quality of the material was duly checked and on the basis of inspection, a measurement book was duly filed by the concerned officials. However, before release of the payment, the Gram Panchayat was informed to be a part of Municipal Corporation, Faridabad. As such, the bills of the petitioner could not be cleared by the said Gram Panchayat; and it was further informed that it is only the Municipal Corporation, Faridabad, which has the power to clear the bills and release the payment in question.

Notice of motion.



Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1 and 3 to 5, and prays for some time to complete instructions and file response, if necessary.

Mr. Vivek Saini, Advocate accepts notice on behalf of respondent No.2 and submits that as per the procedure provided, before clearing the payments with respect to the development work/material supplied to the erstwhile Gram Panchayat, a verification of the bills is required to be done by the Block Development and Panchayat Officer, Mujedi, Block Tigaon, District Faridabad and in the event of receipt of such report from the BDPO, Mujedi, Block Tigaon, District Faridabad, the necessary decision pertaining to release of the payments of petitioner shall be taken.

Learned State Counsel submits that in the event of Municipal Corporation seeking clarification/verification of the bills furnished by the petitioner from Block Development and Panchayat Officer, Mujedi, Block Tigaon, District Faridabad, they shall submit their report promptly and preferably within a period of two months of the receipt of such request for seeking clarification/verification.

Accordingly, with the consent of the parties and without commenting on the merits of the case, the present petition is disposed of with the following directions:

- (i) that the petitioner may submit his bills to the office of Municipal Corporation, Faridabad within a period of two weeks from today.



- (ii) that on receipt of any such bill(s)/application for clearance of bills, the respondent-Municipal Corporation, Faridabad shall call for a report from the BDPO, Mujedi, Block Tigaon, District Faridabad within a period of two weeks of submission of such bill(s)/application for clearance of bills alongwith all necessary documents.
- (iii) that on receipt of such request from Municipal Corporation, Faridabad, the BDPO, Mujedi, Block Tigaon, District Faridabad shall forward his report to the quarter concerned within a period of two months thereafter.
- (iv) that the respondent No.2 shall thereafter take a decision with respect to the admissibility of request of the petitioner on consideration of the inputs as well as the report of BDPO concerned, within a period six weeks thereafter.
- (v) that the payment due, if any, shall thereafter be released in favour of the petitioner within a period of two months of such a decision.

Needless to mention that in the event of the payment due, if any, is not released within the aforesaid stipulated period, the respondent-M.C. Faridabad shall be liable to pay interest @ 6% per annum from the date of filing of the present petition till its actual payment.

Disposed of accordingly.

AUGUST 12, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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