

2024:PHHC:100286



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

121

CWP-18381-2024 (O&M).
Date of Decision: 05.08.2024.

VISHESH CONSTRUCTION COMPANY

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Varun Singh Dhanda, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of Mandamus directing the respondents to release the payment amounting to Rs.23,09,878/- along with interest @ 12% per annum of the 3rd and final bill.

2. The petitioner claims to be Government Contractor having been assigned the work of Re-construction of Balmiki Chaupal in Gharoli Khurd, Ward No.24, Zone-I, Gurugram vide work order dated 27.02.2021 (Annexure P-8).

3. Learned counsel for the petitioner contends that the aforesaid work stands successfully executed, however, the payment against the

2024:PHHC:100286



execution of the aforesaid work has not been released yet, even though the final bills submitted by the petitioner already stands approved by the competent authority. He contends that in this regard, first representation (Annexure P-17) dated 22.09.2022 had been sent by the petitioner and thereafter numerous reminders/subsequent representations dated 20.06.2023, 13.09.2023, 27.10.2023 and 11.03.2024 (Annexures P-25 to P-28 respectively) have been sent, however, despite lapse of such a long period since the date of first representation 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 representations 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.

4. Notice of motion.

5. On the asking of the Court, Mr. Pankaj Mulwani, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent No.1/State and Mr. Vivek Saini, Advocate, accepts notice on behalf of respondents No.2 to 7/The Municipal Corporation, Gurugram, and they submit that they have no objection to the aforesaid prayer being granted.

6. 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.5 - the Executive Engineer-I, Municipal Corporation, Gurugram at C-1, Info City, Sector 34, Gurugram, is directed to take note of

2024:PHHC:100286



the representation (Annexure P-17) dated 22.09.2022 followed by representations dated 20.06.2023, 13.09.2023, 27.10.2023 and 11.03.2024 (Annexures P-25 to P-28 respectively) 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.

7. 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.

8. Petition stands disposed of accordingly.

August 05, 2024.
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(VINOD S. BHARDWAJ)
JUDGE

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