

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

272-1

CWP-19082-2023
Date of Decision: 18.01.2024

M/S RANDHAWA TILES AND SAND SUPPLIERS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. Arya, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

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.45,98,855/- alongwith interest @ 18% per annum for purchase of construction material i.e. paver blocks, cement, sand, gravel gaska and all types of tiles by respondents No.3 and 4.

Learned counsel for the petitioner contends that the petitioner is a registered firm and has been dealing in production and supply of construction material i.e. paver blocks, cement, sand, gravel, gaska and all types of tiles for the last so many years. As per the orders of respondents No.3 and 4, the petitioner supplied construction material i.e. paver blocks and tiles for the

development of respondents No.5 to 18; and there is no complaint with regard to the quality of the material supplied. Respondents No.3 and 4 had assured the petitioner that the payment of the abovesaid material shall be made to the petitioner after getting approval from the Competent Authority. On the assurance given by respondents No.3 and 4, the petitioner had supplied the requisite material and also submitted a bill worth Rs.45,98,855/-. But the respondents did not make the payment thereof till date. The petitioner submitted various representations to respondents No.3 and 4 followed by a legal notice dated 10.07.2023 (Annexure P-2) but no action has been taken thereupon till date.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab accepts notice and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4- Block Development and Panchayat Officer, Block Dera Baba Nanak, District Gurdaspur is directed to consider and decide the legal notice dated 10.07.2023 (Annexure P-2) in a time bound manner.

The learned State Counsel does not oppose the prayer made by the 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.4 to consider and decide the legal notice dated 10.07.2023 (Annexure P-2) by passing a reasoned and speaking

order after affording an opportunity of hearing to the respective parties within a period of three months of the 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 favour of the petitioner within a further period of three months.

Petition stands disposed of accordingly.

JANUARY 18, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No