

2024:PHHC:117148



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

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CWP-22417-2024
Date of decision: 06.09.2024

THE RED ROSE 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. Rajesh Kumar Girdhar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 08,30,347/- 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. The works of providing and laying interlocking tiles in different streets were allotted to the petitioner. The details of these works and the amount payable to the petitioner are mentioned in para No.3 of the writ petition. The petitioner has successfully completed the aforesaid work but the balance

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payment, earnest money deposit, security etc. 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 01.08.2024 (Annexure P-3) has been served by the petitioner upon respondent No.3-Municipal Corporation, Batala, District Gurdaspur through its Commissioner to release the aforesaid amount but no action has been taken by the respondent-authorities.

Notice of motion.

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

Mr. Aditya Sharda, DAG, Punjab appears and accepts notice on behalf of respondent No.3.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-Municipal Corporation, Batala, District Gurdaspur through its Commissioner is directed to consider and decide the Legal Notice dated 01.08.2024 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents do 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-Municipal



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Corporation, Batala, District Gurdaspur through its Commissioner to consider and decide the Legal Notice dated 01.08.2024 (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.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 06, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No