

2024:PHHC:123270



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

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CWP-23747-2024

Date of Decision: 18.09.2024

M/S R.S. ENTERPRISES

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to release the due payment of Rs.1,11,30,493/- qua the works of repair of various vehicles of Municipal Corporation, Jalandhar executed by the petitioner, alongwith interest @ 12% per annum.

After arguing at some length, learned counsel for the petitioner submits that with regard to his grievance, the petitioner has submitted various representations followed by a legal notice dated 02.08.2024 (Annexure P-4) but the respondents have neither paid the outstanding dues to the petitioner nor have they taken any action upon the said representation.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of respondents No.1 and 2 and prays for some time to complete instructions and file response, if necessary.



Mr. Vikram Preet Arora, Advocate enters appearance and accepts notice on behalf of respondent No.3 and also prays for some time to seek instructions.

Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.3- The Commissioner, Municipal Corporation, Jalandhar is directed to consider and decide the legal notice dated 02.08.2024 (Annexure P-4) served by the petitioner, by passing a speaking order in a time bound manner.

Learned State Counsel has no objection to the request 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 to consider and decide the legal notice dated 02.08.2024 (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 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.

In the event of non-payment of dues within the said period, the same shall be released along with interest @ 6% per annum to be paid to the petitioner and subject to payment of a costs of Rs.50,000/- to be deposited with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical



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Education & Research, Chandigarh. The said additional financial liability on accrued interest and cost shall be subject to recovery from the erring official.

Petition stands disposed of accordingly.

SEPTEMBER 18, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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