



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

122

CWP-25450-2024

Date of Decision: 03.10.2024

THE TALWANDI MADHO CO OP L AND C SOCIETY LTD

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

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

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 security and earnest money amount of Rs. 7,55,013/- 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 payment of the works executed by the petitioner has also been released but the security deducted from the bills and earnest money has not been released to the petitioner. The details of these works and the amount payable to the petitioner are mentioned in para No.2 of the writ petition. The petitioner

**CWP-25450-2024****-2-**

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 02.09.2024 (Annexure P-3) has been served by the petitioner upon respondent No.3-Executive Officer, Nurmahal, District Jalandhar to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

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

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondent No.3-Municipal Council, Nurmahal, District Jalandhar.

On the asking of the Court, he accepts notice on behalf of respondent No.3-Municipal Council, Nurmahal, District Jalandhar.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-Executive Officer, Municipal Council, Nurmahal, District Jalandhar is directed to consider and decide the Legal Notice dated 02.09.2024 (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.

**CWP-25450-2024****-3-**

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--Executive Officer, Municipal Council, Nurmahal, District Jalandhar to consider and decide the Legal Notice dated 02.09.2024 (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.

In the event of non-payment of dues within the abovesaid period, the same shall be released along with interest @ 6% per annum from the date of filing of present petition to be paid to the petitioner and further subject to additional payment of costs of Rs.50,000/- to be deposited with the *Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research, Chandigarh*. The said additional financial liability of accrued interest and costs shall be subject to recovery from the erring official.

Petition stands disposed of accordingly.

OCTOBER 03, 2024
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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