



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-32317-2024 (O&M)
Date of decision: 29.11.2024

M/s Swastik Contractor

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- Ms. Mehak Sawhney, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to release the pending passed/audited payment of the works done as well as security amount of the petitioner (i.e. Rs.6,00,000/-) alongwith interest @18% per annum qua the works executed by the petitioner.
2. After arguing at some length, learned counsel for the petitioner submits that with regard to his grievance, the petitioner has served a legal notice dated 10.07.2024 (Annexure P-6) but the respondents have neither paid the outstanding dues to the petitioner nor have they taken any action upon the said legal notice.
3. Notice of motion.
4. Mr. Pankaj Mulwani, DAG Haryana, accepts notice on behalf of respondent-State and Mr. Vivek Saini, Advocate enters appearance and accepts notice on behalf of respondents No.3 and 4-MC Faridabad, and submit that they have no objection to the aforesaid prayer being granted.



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5. Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.4-The Executive Engineer, Municipal Corporation Faridabad, is directed to consider and decide the legal notice dated 10.07.2024 (Annexure P-6) served by the petitioner, by passing a speaking order in a time bound manner.

6. Learned counsel for respondents No.3 and 4 has no objection to the request made by learned counsel for the petitioner.

7. 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-The Executive Engineer, Municipal Corporation Faridabad, to consider and decide the legal notice dated 10.07.2024 (Annexure P-6) 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.

8. 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.

9. 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 additional payment of a cost 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



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financial liability of accrued interest and cost shall be subject to recovery from the erring official.

10. Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

29.11.2024

Mangal Singh

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