

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

**113**

**CWP-29532-2023**  
**Date of Decision: 05.01.2024**

**SURESH KUMAR**

**..... Petitioner**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**.... Respondents**

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

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Present: Mr. Deepak Singh Saini, Advocate  
for the petitioner.

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**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 make payment of pending bills payable to the petitioner for completing the work of cleaning of natural creeks at various places in Zone-III, Municipal Corporation, Gurugram.

Learned counsel for the petitioner contends that the petitioner was allotted the work of cleaning of natural creeks at various places in Zone-III, Municipal Corporation, Gurugram, vide Memo No. EE-VIII/MCG/2020/29973 dated 07.10.2020 for the restricted amount of Rs. 27.92 lacs to be completed within a period of five months to be reckoned w.e.f. 12.10.2020. The stipulated date for the completion of the work was 11.03.2021. The petitioner completed the aforesaid work within the stipulated time period of the contract. After completion of the work, a final bill was

prepared for a sum of Rs. 23,88,950/- by the Junior Engineer and Assistant Engineer, which has duly been verified by the Executive Engineer-VIII, Municipal Corporation, Gurugram. In addition to the above said amount, earnest money of Rs. 73,200/- deposited by the petitioner has also not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Lastly, a Legal Notice dated 16.10.2023 (Annexure P-4) has been served by the petitioner upon respondent-authorities to release the aforesaid amount but till date total due amount of Rs. 24,62,150/- has not been released to the petitioner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1.

Mr. Vivek Saini, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Board and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondents No.2 to 4-Municipal Corporation, Gurugram.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 4-Municipal Corporation, Gurugram.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-Executive Engineer,-VIII, Municipal Corporation, Gurugram is directed to consider and decide the Legal Notice dated 16.10.2023 (Annexure P-4) in a time bound manner.

Learned counsel for the respondents does 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.4-Executive Engineer-VIII, Municipal Corporation, Gurugram to consider and decide the legal notice dated 16.10.2023 (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 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.

**JANUARY 05, 2024**  
*Vishal sharma*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

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