

CWP-33122-2024

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

CWP-33122-2024Date of decision: 10.12.2024

Sanjay Construction

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (Sanjay Construction) has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226 & 227 of the Constitution of India for the issuance of a Writ, Order or Direction, specially in the nature of Mandamus directing the respondents, to release/reimbursement of the amount of GST, deposited by the petitioner, as per Clause No.13.4 Section.1: Instructions to Bidders (ITB) of Bidding Document/Detailed Notice Inviting Tender (DNIT), by the Municipal Corporation Faridabad/Urban Local Bodies, Government of Haryana (Annexure P-24) and in view of identical matter vide letter dated 12.06.2024 No.527/Budget/2024-25 issued by Engineer-in-Chief, Irrigation & Water Resources Department, Haryana Panchkula (Annexure P-26), in lieu of the different work orders allotted to petitioner: (i) vide Memo No.HEWP/AL-70142 dated 03.03.2024 (ii) vide Memo No. HEWP/AL-70153 dated 03.03.2024 and (iii) vide Memo No.HEWP/AL-70095 dated 03.03.2024 (iv) vide Memo No.HEWP/AL-24472 dated 12.03.2024 (v) vide Memo No.HEWP/AL-70045 dated 15.03.2024 (vi) vide Memo No.HEWP/AL70151 dated 16.03.2024 (vii) vide Memo No.HEWP/AL-56693 dated



05.07.2024 (viii) vide Memo No.HEWP/AL-70153 dated 03.03.2024 (ix) vide Memo No. HEWP/AL-69640 dated 13.07.2024 (x) vide Memo No.HEWP/A-25198 dated 13.07.2024 (xi) vide Memo No. HEWP/AL-70049 dated 10.08.2024 (Annexure P-3 to P-13) by the respondents, regarding which thirteen bills were paid to the petitioner, in lieu of the part of the work done by the petitioner and thereafter the petitioner deposited and thereafter the petitioner deposited the amount of GST vide Tax Invoices (Annexure P-14 to P-23), which had been made mandatory by the Government of Haryana for releasing/reimbursing the amount of GST to the contacting agency.

And/or

Issue Order, Direction to the respondents for deciding the legal notice dated 09.09.2024 (Annexure P-25) & representation dated 20.11.2024 (Annexure P-27) filed by the petitioner, by passing speaking order, in a stipulated time.

At the outset, learned counsel for the petitioner submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with a legal notice dated 09.09.2024 (P-25), followed by a representation dated 20.11.2024 (P-27), as regards its concerns/grievances. However, it is urged that even though a considerable time has elapsed, but the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. Karan Jindal, Assistant Advocate General, Haryana, for the respondent-State, and Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, and Ms. Saanvi Singla, Advocate, for the respondent-M.C. Faridabad, are present in Court.

At the outset, learned counsel for the respondent-M.C. Faridabad, as always, fairly submits, for the matter is already under active consideration of the authorities, it would be expedient if the petition is disposed of, at this stage, to enable the respondent-Municipal



Corporation to deal with the concerns/grievances of the petitioner and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, through its authorized representative(s), shall be heard, for which, a formal communication shall be issued, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondent-M.C. Faridabad, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for the respondent-M.C. Faridabad, submits that appropriate orders shall be passed within a period of three weeks from today.

In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned counsel for the respondent-M.C. Faridabad.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

10.12.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No