



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

133

CWP-33421-2024 (O&M)

Date of decision: 11.12.2024

The Rai Co-operative Labour and Construction Society Limited

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. Jagdeep Singh Rana, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to release the pending security amount and EMD of the petitioner i.e. Rs.8,99,140/- + Rs.1,36,000/- qua the works executed by the petitioner, alongwith interest @ 18% per annum from its due date.

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 23.10.2024 (Annexure P-2) 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. Raghav Garg, AAG Punjab accepts notice on behalf of respondent-State and Mr. H.K. Arora, Advocate enters appearance and



accepts notice on behalf of respondent-M.C. Phagwara. They both pray for some time to complete the instructions and file response, if necessary.

5. Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.2-The Commissioner, Municipal Corporation, Phagwara, District Kapurthala, is directed to consider and decide the legal notice dated 23.10.2024 (Annexure P-2) served by the petitioner, by passing a speaking order in a time bound manner.

6. Learned Counsel for respondent-M.C. Phagwara 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.2-The Commissioner, Municipal Corporation, Phagwara, District Kapurthala, to consider and decide the legal notice dated 23.10.2024 (Annexure P-2) 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



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Institute of Medical Education & Research, Chandigarh. The said additional 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

11.12.2024
Mangal Singh

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