

2024.PHHC.170635



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

123

CWP-34567-2024
Date of Decision: 19.12.2024

M/S AVS BUILDERS THR. ITS PARTNERS

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Ms. Sonia G. Singh, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the reply dated 24.10.2024 (Annexure P-11) submitted by respondent No.7, vide which the claim of the petitioner to make payment regarding the lifts work executed by the petitioner has been declined.

Learned counsel for the petitioner submits that with regard to the grievance espoused herein, the petitioner firm had got served a legal notice dated 10.09.2024 (Annexure P-10), which was replied by respondent No.7 vide reply dated 24.10.2024 (Annexure P-11), whereby the claim of the petitioner has been declined and the petitioner has been advised to withdraw the said legal notice. It is further submitted that the respondents have got executed extra work other than the contractual work, for which they are liable to pay to the petitioner, but they are denying the payment of the petitioner without any valid reason.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of the respondents No.1 to 3 and 5 to 8 and prays for some time to complete instructions and file response, if necessary.

Mr. Vivek Saini, Advocate accepts notice on behalf of the respondent No.4 and makes a similar prayer.

Learned counsel for the petitioner, however, contends that she would be satisfied at this stage, in case respondent No.7- Executive Engineer, Panchayati Raj, Fatehabad is directed to treat the present petition as a representation and to consider and decide the same by passing a speaking order in a time bound manner.

Learned State Counsel does not have any objection to the request 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.7 to treat the present petition as a representation and to consider and decide the same 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.

Needless to mention that upon considering the representation, 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.

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.

DECEMBER 19, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

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