

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

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Civil Writ Petition No.8913 of 2015

Date of Decision: May 07, 2015

M/s Yadav Builders

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navdeep Chhabra, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the work allotted to the petitioner through a tender was duly executed and completed on 30.03.2013. Final bills in this regard were submitted, copy whereof has been appended as Annexure P-1, which was also duly certified and forwarded by the Sub Divisional Engineer, Construction Division No.1, PWD (B&R) Branch, Sri Muktsar Sahib-respondent No.3. The matter was further forwarded by the Executive Engineer, Construction Division (B&R) Branch, Sri Muktsar Sahib-respondent No.2 to the Chief Engineer, PWD (B&R) Branch, Patiala-respondent No.4, who has to further forward the same to the competent authority for consideration and release of the payments due to the petitioner. The said amount till date has not been released to the petitioner as per his entitlement on completion of the work. He further states that the security amount, which was deposited by the petitioner i.e. ₹30,82,084/- was to be retained by the respondents for a period of 12 months, which 12 months also expired on 30.03.2014 but the security

amount also has not been released although the same also has been verified by the Executive Engineer. In this regard, he has referred to Annexure P-2. Counsel for the petitioner states that the payments due to the petitioner firstly on completion of the work allotted to him through a tender and after the expiry of the security period, the refund of the security amount is pending with the respondents. He states that the petitioner is also entitled to interest thereon. Counsel states that the petitioner would make a detailed representation to respondent No.4-Chief Engineer, PWD (B&R) Branch, Nirman Bhawan, Patiala, District Patiala, within a period of two weeks from today, who may be directed to consider and decide the claim of the petitioner within some specified time.

In the light of the statement made by counsel for the petitioner, if a representation is submitted by the petitioner within a period of two weeks, the same shall be considered and decided by Chief Engineer, PWD (B&R) Branch, Nirman Bhawan, Patiala, District Patiala, within a period of six weeks from the date of receipt of certified copy of this order.

In case the claim of the petitioner is accepted, the consequential benefits, if any, be released to him, in accordance with law, within a period of six weeks thereafter. In case the claim of the petitioner is not to be accepted, a well reasoned and speaking order be passed and conveyed to the petitioner forthwith.

May 07, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE