

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.23884 of 2016
Date of decision:18.11.2016**

Ankush Engineers & Contractors (Pvt.) Ltd.

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vishal Gupta, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the issuance of communication 17.9.2016 (Annexure P-14) by respondent No.3, asking the petitioner to extend the bank guarantee, petitioner has approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari and also for a writ in the nature of mandamus, directing to release the amount to the petitioner, as it had already completed the work long back.

Learned counsel for the petitioner, at the very outset, fairly states that he does not intend to press this writ petition for a writ in the nature of certiorari, for the time being. He refers to the communication dated 5.5.2016 (Annexure P-13) to respondent No.3, seeking release of amount of bank guarantee but without considering that, communication dated 17.9.2016 (Annexure P-14) has been issued, which might be under a wrong impression as well. He further submits that petitioner will be satisfied in case respondent No.3 is directed to consider the grievance of the petitioner and pass an appropriate order at an early date and till then the communication dated 17.9.2016 (Annexure P-14) may be ordered to be kept in abeyance.

Having heard the learned counsel for the petitioner and without expressing any opinion on the merits of case, lest it should prejudice the rights of either of the parties, the present writ petition is disposed of, with a direction to Deputy Chief Engineer, Construction-II, Northern Railways, Chandigarh-respondent No.3, to consider the grievance raised by the petitioner vide its communication dated 5.5.2016 (Annexure P-13), keeping in view the earlier official communication dated 17.2.2016 (Annexure P-8) issued by respondent No.3 himself and pass an appropriate order at an early date, strictly in accordance with law but in any case within a period of three months from the date of receipt of a certified copy of this order.

However, keeping in view the peculiar facts and circumstances of the case noticed hereinabove, coupled with the fact that earlier official communication dated 17.2.2016 (Annexure P-8) does not find mentioned in the impugned communication dated 17.9.2016 (Annexure P-14), respondent No.3 is directed to keep the action proposed vide impugned communication dated 17.9.2016 (Annexure P-14) in abeyance till appropriate order is passed.

With the above-said observations made and directions issued, the instant writ petition stands disposed of.

18.11.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No