

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-25027-2017

Date of Decision: 3.11.2017

Rajdeep Buildcon Private Limited, Ahmednagar

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Irshaan Singh Kakar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondent No.2 to release the wrongfully deducted amount from RA Bill No.15 dated 30.3.2012 (Annexure P-4) in violation of the agreement dated 7.7.2008 (Annexure P-2) along with interest.

2. The petitioner is in the business of construction of highways, bridges, culverts, flyovers and building etc. Respondent No.2 invited bids for the execution of certain works, i.e. improvement of roads, footpaths, junctions, traffic signals, landscaping/beautification and routine maintenance for three years in the Holy City of Amritsar. In response thereto, the petitioner submitted its bid along with the required documents

No.2 vide letter dated 2.7.2008 accepted the offer of the petitioner dated 19.6.2008 and awarded the contract to the petitioner. In pursuance thereto, the agreement dated 7.7.2008 (Annexure P-2) was executed between the petitioner and the Superintendent Engineer (Civil) for and on behalf of respondent No.2. Thereafter, the petitioner completed the construction as per the agreement on 30.6.2011 as is clear from the completion Certificate dated 30.6.2011 (Annexure P-3). Further, the petitioner was required to maintain the roads and other installations under the main work for a period of three years from the date of completion of works which it did. During the execution of the works, the petitioner raised RA Bill No.15 dated 30.3.2012 (Annexure P-4) to respondent No.2. However, respondent No.2 only released payment of ₹ 32,43,385/- by wrongfully deducting and holding a sum of ₹ 12,00,000/-. The petitioner vide letters dated 6.3.2012, 21.1.2013 and 14.9.2013 (Annexure P-5 Colly) requested respondent No.2 either to refund the amount wrongly deducted or to issue a TDS certificate, but to no effect. Thereafter, the petitioner moved the representations/reminders dated 6.8.2014 (Annexure P-6 Colly) to respondent No.2 to release the amount in question, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the letters (Annexures P-5 Colly) and the representations/reminders dated 6.8.2014 (Annexure P-6 Colly) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take

a decision on the letters (Annexures P-5 Colly) and the representations/ reminders dated 6.8.2014 (Annexure P-6 Colly), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order. It is further directed that in case the petitioner is found entitled to the refund of the amount, the same be released to it within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

November 3, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No