

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

CWP No.3926 of 2019 (O&M)

Date of Decision : 16.10.2019

M/s J.S.T. Engineers & Contractors

....Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present : Dr.Payel Mehta, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

CM-5945-CWP-2019

Application is allowed as prayed for. The accompanying work orders at Annexure P-10 (colly) are taken on record.

CWP No.3926 of 2019

Petitioner proprietorship firm filed the instant petition seeking issuance of a Mandamus to direct the respondent Punjab State Power Corporation Limited to release the pending dues/security deposits pertaining to the work orders that had been allotted and had since been completed/executed. An additional prayer in the writ petition was for issuance of a work completion certificate as well.

Learned counsel representing the petitioner makes a statement that after filing of the instant writ petition the entire dues/payments have since been released. Even the security deposit has been refunded to the petitioner firm. It is contended that the only surviving prayer is with regard to issuance of a work completion certificate.

During the course of hearing counsel has referred to the legal notice dated 22.03.2018 (Annexure P-1) that had been served upon the respondent authorities as also the response that was forthcoming from the competent authority under the Punjab State Power Corporation Limited. A conjoint reading of the documents appended along with the writ petition would make it apparently clear that all the dues/security deposits have since been released to the petitioner firm. However, in so far as the work completion certificate is concerned, vide Memo dated 18.04.2018 (Annexure P-4) issued by the respondent Corporation it has been stated that there is no provision or compulsion of the office to issue a completion certificate as per terms and conditions of the work order and the security already released by the office is in itself sufficient to demonstrate that the work has been completed.

Counsel has agitated that the petitioner firm having thereafter applied in response to a subsequent notice inviting tender (NIT) the respondent Corporation is calling upon proof of having successfully completed/executed similar works to facilitate the registration and for consideration of a subsequent work order. It is contended that without issuance of a work completion certificate, the petitioner firm would be seriously prejudiced in not being eligible for registration in any other subsequent tender inquiry.

Having heard counsel at length and having perused the pleadings on record, the instant writ petition is disposed of having been rendered infructuous as the entire dues as also security deposits

have already been released to the petitioner firm.

In so far as the prayer for issuance of a work completion certificate is concerned, liberty is granted to the petitioner firm to approach the respondent Corporation afresh in such regard. In the eventuality of any such application being preferred within a period one week from today, the respondent Corporation would be obligated to consider the same and to either issue the work completion certificate or convey to the petitioner firm reasons for not issuing the requisite certificate in respect of the work having been completed. Such exercise/decision would be taken at the hands of the competent authority under the Corporation within a period of two weeks from the date of submission of an application by the petitioner firm.

Disposed of.

16.10.2019
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No