

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

**CWP-1694-2019 (O&M)
Date of Decision:22.01.2019**

M/s Design & Decore

... Petitioner

Versus

The Chief Engineer & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Vinod Kumar, Advocate for
Mr. Ammish Goel, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Counsel submits that the Executive Officer, C.P. Division No.4, U.T. Chandigarh had floated a tender for addition, alteration and renovation of the Mini Rehearsal Theatre in the Tagore Theatre, Sector 18, Chandigarh vide memo dated 13.11.2014. Petitioner herein participated in the tender process and deposited the performance guarantee amount of Rs.1,36,200/-. Thereafter, the work order was allotted to the petitioner for an amount of Rs.27,23,361/-.

It is contended that the work having been completed as per CPWD Specification and terms/conditions of the DNIT, the 7th and final bill for the work was referred to respondent No.3 and who had finalized a bill amounting to Rs.33,81,460/- and had also certified the completion of work undertaken by the petitioner. An amount of Rs.30,65,576/- is stated to have been released to the petitioner.

The precise grievance raised in the petition is that an amount of Rs.5,28,723/- (Rs.3,15,884/- being the outstanding amount towards final bill

+ Rs.76,639/- as security amount + Rs.1,36,200/- towards performance guarantee) has been withheld by the respondent/authorities without any justifiable basis.

Counsel submits that a legal notice dated 31.08.2018 (Annexure P-3) has already been served upon the respondent/authorities and he would be satisfied if the writ petition was to be disposed of with a direction to consider the claim of the petitioner within a stipulated time frame.

Prayer made by counsel is found to be just and reasonable.

In view of the above and without ascertaining the correctness of the averments made in the petition and without even examining the claim of the petitioner on merits, the instant writ petition is disposed of with a direction to respondent No.3 to examine the claim of the petitioner against the backdrop of a legal notice dated 31.08.2018 (Annexure P-3) and to take a final decision thereupon in accordance with law within a period of 2 months from the date of receipt of a certified copy of this order.

Needless to observe that if any amount is found due to the petitioner, the same would be released without any further delay.

Disposed of.

22.01.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |