

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

CWP-34988-2019 (O&M)

Date of decision:- 02.12.2019

M/s Arvindera Electricals

...Petitioner

Versus

Uttar Haryana Bijli Vitaran Nigam Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present:- Mr. Rajeev Atma Ram, Senior Advocate,
with Mr. Satyam Tandon, Advocate,
for the petitioner.

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioner has filed this petition alleging that the respondent-authorities are proposing to encash the bank guarantees submitted by the petitioner in respect of bid Nos. B-529, B-513 and B-468 which relate to the works that were awarded to the petitioner previously by the respondents and which had been successfully completed by the petitioner.

The petitioner has placed the completion certificates on record as Annexures P-4, P-5 and P-6. It is stated that in respect of a dispute relating to bid No. B-383, arbitration proceedings are already pending before the Additional District Judge-cum-Presiding Judge, Special Commercial Court, Gurugram and in this case the respondents have already encashed the bank guarantee submitted by the petitioner.

Learned senior counsel for the petitioner on the strength of noting and approval of the respondents details of which have been stated in paragraph 9 of the petition submits

that the authorities are now proposing to encash all the bank

guarantees submitted by the petitioner in respect of the works that have been awarded to the petitioner. Learned senior counsel for the petitioner submits that the authorities are proposing to do so without assigning any reason or without giving any opportunity of hearing to the petitioner.

Having heard learned senior counsel for the petitioner and looked into the facts of the case, we think it appropriate to dispose of the petition with a liberty to the petitioner to approach the authorities by filing a representation bringing to their notice all the aforesaid factual aspects alongwith a copy of the petition and a copy of the order passed today.

It goes without saying that the authorities shall take into consideration the representation filed by the petitioner and take a decision thereon expeditiously and in accordance with law while proceeding further in the matter, if they propose to do so.

With the aforesaid observations, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

02.12.2019
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No