

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

**CWP No.12869 of 2020
Date of Decision:-27.08.2020**

M/s Sohan Lal Ramesh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to refund the security amount of Rs.11,30,000/- qua the work of providing drinking water supply at District Administrative Complex, Fazilka.

Learned counsel for the petitioner has argued that in the present case the work was satisfactorily completed. However, despite the completion of the work satisfactorily, the security amount of Rs.11,30,000/- qua the work performed by the petitioner, has not been refunded to him for a long time. He has further submitted that the amount is admitted and there is no dispute with regard to the same. He has further submitted that he had even served Legal Notice dated 12.6.2020 (Annexure P-2) to the

respondents but the same has not been decided till date. The petitioner has also relied upon the order passed by this Court vide Annexure P-3 in wherein in the similar circumstances, direction has been issued by this Court.

Notice of motion.

On asking of Court, Mr. Shireesh Gupta, Sr. DAG, Punjab, accepts notice on behalf of State of Punjab.

After hearing the learned counsel for the parties through video conferencing, I am of the considered view that direction can certainly be issued to respondent No.5 for taking final decision on the legal notice, which had been served on respondent No.5 vide Annexure P-2.

In view of the above and without expressing any opinion on merits of the case, respondent No.5 is hereby directed to decide the legal notice (Annexure P-2) within a period of six weeks from the date of receipt of certified copy of this order. Thereafter, in case respondent No.5 came to the conclusion that petitioner's claim is justified, then the amount mentioned in the prayer be refunded to the petitioner alongwith interest @6% from the date due, within the time already specified above.

In view of the above, this petition is disposed of with the directions.

August 27, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No