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

CWP-11348-2018 (O&M)
Date of decision: 16.11.2020

Sanjay Mehta

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Ms. Maloo Chahal, DAG, Punjab.

Ms. Malvika Singh, Advocate for respondent Nos.2 to 4.

Mr. K.S. Bassi, Advocate for respondent Nos.5 and 6.

ANIL KSHETARPAL, J. (ORAL)

Through this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner prays for issuance of a writ in the nature of mandamus directing the respondents to release the amount of security deposited by the petitioner alongwith interest at the rate of 18% per annum. The petitioner herein is a contractor who was awarded various works by the respondents.

It has been pleaded that the petitioner has successfully completed the work and even the final bill stands paid and, therefore, there is no justification to withhold the amount of security.

Learned counsel for the petitioner, while drawing attention of the Court to Clause 3.1 of DNIT, submits that the security deposit was required to be refunded to the Contractor after the expiry of the defect liability period which is six months from the date of issuance of the completion Certificate or payment of the final bill whichever is later.

On the other hand, learned counsel for the respondents has pointed out that as per Works Regulation, 1997, six months period is the minimum period for pointing out the defect liability. The attention of the Court has also been drawn to the various defects/deficiencies in the work allegedly completed by the writ petitioner, enlisted at page 485 of the paper book.

It has further been pointed out that the parties had agreed for resolution of the dispute through arbitration.

Keeping in view the aforesaid facts and without commenting on the merits, it is considered appropriate to relegate the petitioner to alternative remedy.

In view of the above, the present writ petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the aforesaid order.

16.11.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No