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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4188/2020
R.K. CONSTRUCTION-GALVANO INDIA (JV) Petitioner
Through: Mr.G Tushar Rao & Mr.Mayank
Sharma, Advs.

versus

UNION OF INDIA Respondent
Through: Mr.Jagjit Singh, SC.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **15.07.2020**

This hearing has been held through video conferencing.

CM No.15059/2020 (Exemption from filing notarized affidavit)

This application has been filed seeking exemption from filing duly notarised affidavit. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.

Application is disposed of.

W.P.(C) 4188/2020

1. The present petition has been filed by the petitioner praying for a direction to the respondent to release the security deposit amount as also make the payment of the final bill of the petitioner for the Contract awarded to the petitioner pursuant to the tender bearing No. .390-Acs-C-LHS-DSA-SMQL-TKJ for providing of Limited Height Subway (LHS), issued by the respondent.
2. It is the case of the petitioner that the work has been successfully completed on 31.08.2019 and the completion certificate issued to the

petitioner on 02.06.2020. The work maintenance period has also been successfully completed on 01.03.2020. The performance guarantee was unconditionally released to the petitioner on 14.06.2020. Due to the ongoing Covid-19 pandemic, the Ministry of Finance has issued instructions to the Government Departments to release all payments to the Contractors on an expedited basis. The petitioner submits that the petitioner is in need of finances and is unable to perform other works due to a financial crunch.

3. On the other hand, the learned counsel for the respondent submits that certain information/documents have been called for from the petitioner, which the petitioner is yet to submit with the respondent. Letters in this regard have also been addressed to the petitioner. He submits that in absence of such documents, the final bill of the petitioner could not be processed.

4. Keeping in view the submissions made, it is directed that the respondent shall, within a period of three days from today, communicate to the petitioner a complete list of documents/information that is required from the petitioner. The petitioner shall submit such documents/information to the respondent within one week thereof. The respondent shall, on receipt of such documents/information, consider the case of the petitioner for release of the security deposit and payment of final bill in an expedited manner and preferably within a period of four weeks of receipt of such information. The respondent shall also consider if the security deposit of the petitioner can be released without awaiting the process of the finalisation of the Final Bill of the petitioner.

5. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner. Needless to say, if the petitioner is

aggrieved of the decision taken by the respondent regarding release of its security amount or the Final Bill, it shall be open to the petitioner to initiate proceedings in accordance with law.

6. The present petition is disposed of with the above directions.

NAVIN CHAWLA, J

JULY 15, 2020/rv