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

CWP No. 25663 of 2021

Date of Decision: 16.12.2021

The Mahi Coperative L&C Society Ltd. through its President
-Petitioner

Versus

State of Haryana and others
-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jamshed Ahmed, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

At the very outset, learned counsel for the petitioner submits that the objection with regard to Annexure P-1 raised by the Registry can be explained only to mean that the said document is not that relevant except to show that the work was infact executed by the petitioner.

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing the respondents No.1 to 3 to release security amount of the petitioner after completion of work. Petitioner is a Society and has been enlisted as Contractor for Class-IV by the Executive Engineer, Provincial Division PWD (B&R), Nuh. Municipal Committee invited tenders for various construction works viz

development work of constructions of roads and renovation of parks for the beauty of the city Nuh. Petitioner was the successful bidder being the lowest tenderer and work assignment was allocated to the petitioner. Petitioner- Society completed the work assignment within the stipulated time. After completion of work, the measurements of the work done by the petitioner were conducted by the Department and payments thereof were also released to the petitioner after deducting 10% of the amount as security which was to be released after 06 months. The aforesaid deducted amount has not been paid till date despite the fact that the stipulated period had already expired in 2018-19.

Precisely for the claim in question, the petitioner has already filed legal notice/representation dated 04.10.2021 before the Deputy Commissioner, Nuh, but the claim of the petitioner has not been answered so far.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, A.A.G., Haryana accepts notice on behalf of the respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This petition is disposed of with a direction to Deputy Commissioner, Nuh to take an appropriate decision on pending representation/legal notice dated 04.10.2021 filed by the petitioner and decide the same in accordance with law preferably within a period of one month from the date of receipt of certified copy of this order.

If Deputy Commissioner, Nuh ultimately comes to the conclusion that the petitioner is entitled for the amount in question, the same be paid forthwith within a further period of one month. In case, the amount in question is not paid within the aforesaid period of one month, thereafter, the petitioner shall be entitled to interest @ 6% per annum for the delayed payment thereafter till final realization of the amount.

16.12.2021

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

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