

127

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

CWP No. 4047 of 2022
Date of Decision: 03.03.2022

Gursharan Singh Contractor

-Petitioner

Versus

The State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Chirag Girdhar, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this petition for issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to refund the security amount of Rs.2,71,783/- along with interest qua the work done by the petitioner.

Petitioner is a government contractor. The work of Water Supply Scheme in village Satnam Nagar (OH of Neelpur) Block Rajpura, District Patiala was allocated to the petitioner on 08.01.2019. Petitioner has successfully completed the work to the entire satisfaction of the competent authority. Defect liability

period has also expired in March 2021, but the security deducted from running bills has not been paid as yet.

Precisely for the claim in question, the petitioner has already approached the respondents by way of filing legal notice dated 31.01.2022 before respondent No.4, but the claim of the petitioner has not been answered so far.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case his legal notice is directed to be decided by the respondents within a specified period.

Notice of motion.

On the asking of the Court, Mr. Tarun Vir Singh Lehal, Addl. A.G., Punjab 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 respondent No.4 to take an appropriate decision on pending legal notice 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 respondent No.4 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.

03.03.2022

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

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