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

CWP No. 5183 of 2022
Date of Decision: 15.03.2022

Gurjant Singh

-Petitioner

Versus

The State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. 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 in the nature of mandamus directing the respondents to refund the earnest money of Rs.2,48,000/- along with interest qua the work done by the petitioner.

Petitioner is a government contractor. Petitioner participated in the bidding process. Bids submitted by the petitioner were accepted for the work of providing and fixing 15 mm Water meters at various villages of Block Baghapurana, Nihal Singh Wala and Moga-I of District Moga , but the works were not allocated to the petitioner. Validity of tenders of the

works was only 30 days which already stood expired on 13.05.2021, however, validity of period of tender was extended upto 15.08.2021, but inspite of that, the work allocations were not allocated to the petitioner upto 15.08.2021.

Prayer for refund of earnest money has not been adhered to by respondent No.4 despite legal notice dated 14.02.2022 filed by the petitioner.

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 respondent No.4 by passing a speaking order in accordance with law.

Notice of motion.

On the asking of the Court, Mr. Sehajbir Singh, D.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 any response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This writ petition is disposed of with a direction to respondent No.4 to take note of legal notice dated 14.02.2022 got issued by the petitioner and pass appropriate order in accordance with law.

If the entitlement of the petitioner is established with reference to record, then the earnest money be released to the petitioner forthwith. Any delay in disbursing the payment of earnest money shall result in imposition of interest @ 6% per annum for the delayed payment from the date of accrual till final realization of the same.

If the entitlement of the petitioner is not found, then the legal notice be decided by passing a speaking order and the same be communicated to the petitioner within a reasonable time.

15.03.2022

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

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