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

CWP No. 6812 of 2022
Date of Decision: 01.04.2022

M/s Dharminder Kumar

-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)

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing the respondents to release earnest money of Rs.3,36,000/- along with interest qua the work done by the petitioner.

Petitioner is a government contractor and has executed various work assignments assigned to it by the respondents from time to time. Petitioner was a bidder for allocation of work of providing and fixing of 15 mm water meters at various villages of District Moga. The aforesaid works were not allocated to the petitioner. The tender validity of these works was of 30 days which ultimately expired on 30.05.2021. Since the works were not allocated to the petitioner and respondent

No.4 sent a letter for extension of validity period with the assurance that these works shall be allocated to the petitioner, the validity period of these tenders was extended upto 15.08.2021, but despite that the works were not allocated upto 15.08.2021. Ultimately, the petitioner made a request for refund of earnest money on 21.09.2021.

Grievance of the petitioner is that neither the work was allocated to the petitioner nor was earnest money refunded to the petitioner.

Precisely for the claim in question, the petitioner has already approached the respondents by way of filing representation dated 30.09.2021 before respondent No.4 in the context of refund of earnest money.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case its representation including 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. C.L. Pawar, Sr. 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 representation dated 30.09.2021 got issued by the petitioner and pass appropriate order in accordance with law, preferably within a period of one month from the date of receipt of certified copy of this order.

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 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 representation be decided by passing a speaking order and the same be communicated to the petitioner within a reasonable time.

01.04.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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