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

CWP-17909-2021

Date of Decision:28.02.2022

M/s Sha Construction Company

.....**Petitioner**

Vs

State of Punjab and Others

.....**Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Davinder, Advocate for
Mr.PKS Phoolka, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for issuance of an appropriate writ, in the nature of mandamus, directing respondents No.3 and 4 for release of payment due towards the security deposit refund, regarding the work completed by the petitioner.

The petitioner is a Government Contractor and has executed various work assignments allocated to it by respondent No.4. Work assignment was allocated to the petitioner vide No.80 (GPWSC) dated 21.06.2018. Petitioner has completed the said work assignment within the time prescribed on 04.06.2020 to the satisfaction of all concerned.

Security period of six months has already been passed and the hand receipt of the security is passed by the Executive Engineer, Water Supply and Sanitation Division Fazilka and the same was sent to GPWSC for payment vide letter No.1677 dated 03.03.2021 in a sum of Rs.4,64,641/-. The payment has not been released so far despite representation dated 04.05.2021, submitted by the petitioner to respondent No.4.

Notice of motion was issued on 10.09.2021. Learned State counsel has appeared on behalf of respondents No.1 to 3.

On 14.12.2021, learned State counsel has also sought time to file reply on behalf of respondent No.4 as well.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case its representation dated 03/04.05.2021, is directed to be decided by respondent No.4 within a stipulated period in accordance with law.

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 representation dated 03/04.05.2021, 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 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.

Disposed of.

28.02.2022

Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No