

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

202-2

CWP-824-2014

Date of Decision: 27.10.2022

M/S VKJ SEW SB

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. Saurabh Garg, Advocate
for respondent No.2.

None for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

By means of present writ petition, filed under Articles 226/227 of the Constitution of India, 1950, the petitioner has sought issuance of a writ in the nature of Mandamus directing the respondent No.2 to release the performance security amount of Rs.3,77,500/- submitted vide Annexure P-6 alongwith interest.

Learned counsel for the petitioner contends that the aforesaid amount could not have been forfeited by the respondents and that the action of the respondents in not releasing the said performance security is patently illegal, arbitrary and unconstitutional.

Pursuant to the notice issued to the respondents, written statement on behalf of respondent No.2 had been filed through Ms. Raji P. Shrivastava, Secretary Tourism-cum-Project Director, Infrastructure Development Investment Programme for Tourism, Punjab Heritage & Tourism Promotion Board, Archives Bhawan, Sector 38-A, Chandigarh. A preliminary submission has been taken therein that there is arbitration clause and that the petitioner has an effective alternative remedy to seek the resolution of the dispute by means of arbitration and as such, the present petition would not warrant interference by this Court.

In view of the aforesaid stand adopted by the respondent No.2, learned counsel for the petitioner does not press the instant petition so as to take recourse to the provisions of arbitration cause by tendering requisite documents for redressal of his grievance.

Disposed of as not pressed at this stage with the liberty at aforesaid.

27.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

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