

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

139

CWP-23391-2022
Date of Decision: 12.10.2022

M/S SINGLA AND COMPANY

... Petitioner

VERSUS

M.C. LUDHIANA AND OTHERS

... Respondents

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

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

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

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the security amounts i.e. 6,61,920/- and Rs.6,49,686/- alongwith interest.

Learned counsel for the petitioner contends that the petitioner was allotted various works, details whereof have been duly mentioned in paragraph No.2 of the present writ petition. It is further contended that the said works were duly executed and completed within the stipulated time frame and the final bill qua the said works has also been paid by the respondents, but the respondent Department withheld that security amount deposited by the petitioner on the ground that the said amount would be released on completion of five years for which the maintenance work was to be done. Learned counsel for the petitioner further submits that the said period of five years has already been expired, but the respondent-Authorities have not released the security amount deposited by the petitioner. Even the

petitioner submitted representations dated 28.10.2021 before the respondent-Authorities but no action has been taken thereupon. Thereafter, under compelling circumstances, the petitioner served a legal notice dated 15.07.2022 upon the respondent-Authorities, but the respondents did not pay any heed and the amount in question has not been released by the respondents.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in Court accepts notice on behalf of respondents no.2 and 3. Further, by virtue of his assignment being an Addl. A.G., he is also on the panel of all the statutory corporations and bodies of the Government of Punjab and as such, on the asking of the Court, he accepts notice on behalf of respondent No.1 also, and prays for time to complete instructions and file response.

At this stage, learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondents are directed to consider and decide the legal notice dated 15.07.2022 (Annexure P-5) in a time bound manner.

Learned State counsel did not oppose the innocuous prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, the present petition is disposed of while directing the respondents-Authorities to consider and decide the legal notice dated 15.07.2022 (Annexure P-5) by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the legal notice dated 15.07.2022 (Annexure P-5), if any amount is found due and payable to the petitioner, the same shall be disbursed within a further period of three

months, failing which, the amount so found due shall carry interest at the rate of 6% per annum from the date of filing of the petition till actual disbursement.

12.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

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