

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

119

CWP-24278-2022

Date of decision: 20.10.2022

M/S V.K. CONSTRUCTION

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- None.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226 of the constitution of India for seeking issuance of writ in the nature of Mandamus directing the respondents to decide the representation dated 12.09.2022 (Annexure P-8) submitted by the petitioner.

A perusal of the petition and the averments contained therein show that the petitioner is a partnership firm and is engaged in the business of construction of Civil Works and had been engaged by the respondent-Department of Development and Panchayat Haryana for execution of certain works including the work of “Construction of New Block Office Building at Village Hasanpur Block Murthal, District Sonipat”. The tender in question is claimed to have been allotted to the petitioner vide Memo No. 5516 dated 11.12.2017 and the same was duly completed within a period of 12 months. However, the work in question could not be completed within the prescribed time whereupon request for extension was sought. The same was approved by the

respondent-Department and the petitioner-Firm was granted extension for completion of the tender vide Memo No. 2307 dated 04.07.2019. The work in question was successfully completed by the petitioner in the year 2019 within the extended time limit. Thereafter, various letters/representations have been submitted by the petitioner for release of the pending bills and also the requests to respondents to take possession of the site/building. It is also contended that the respondent-Department has failed to take possession of the newly constructed building and is also not paying the pending bills including the security deposited in the performance guarantee. It is also set out in the petition that the valuation of the tender was enhanced from Rs. 167.98 lakhs to 279.86 lakhs and instead of approval for the same had also been granted. The petitioner has also averred that he has been informed that the concerned security amount shall be released only after 03 years from the date of completion of the enhanced work. Even though the clause contained in the tender did not contemplate any such condition. It is in the aforesaid background that the petitioner submitted a representation to the respondent-Executive Engineer, Panchayati Raj Division, Sonipat.

Local Bar Association is abstaining from work today.

Taking into consideration the prayer made by the petitioner is for issuance of directions to the respondent-Executive Engineer, Panchayati Raj Division, Sonipat to look into the said representation and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties, the said prayer

seems worthy of acceptance. Hence, without commenting on the merits of the case and without going into the validity of the claims so raised in the aforesaid representation, the present petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 20, 2022

Vishal sharma

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