

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

205

CWP-19149-2017

Date of decision: 02.09.2022

SHARANJEET SINGH

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

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

Present:- Mr. R.K. Girdhar, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Praveen Chander Goyal, Advocate for
Ms. Aarti Goyal, Advocate
for respondent No.1-Union of India.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a suitable writ in the nature of Mandamus directing the respondents to make payment of Rs. 4,25,606/- i.e. the performance guarantee, earnest money and security qua the work executed by the petitioner.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner had executed various works assigned to him by the respondent without any complaint or deficiency. The performance guarantee, earnest money and security deposit against the aforesaid works had been deposited by the petitioner. The same were to be released in favour of the petitioner after completion and satisfactory

execution of the work. He contends that the work in question had been completed and there had been no complaint as regards the satisfactory execution of work. However, despite the same, the earnest money, security deposit and performance guarantee deposited by the petitioner had not been released. Various representations were submitted by the petitioner including the reminders submitted by him. A reference was made to the representation dated 27.07.2016. No payment was released despite the same.

3. Resultantly, a legal notice dated 06.06.2017 was served upon the respondents.

4. Consequent upon the notice, a statement on behalf of the respondents has been filed. The relevant extract of the written statement reads thus:-

“1. That the entire payment of the works executed by the petitioner had been made to him before filing of instant writ petition and this fact has been admitted by the petitioner in his legal notice dated 6-6-2017 which is attached as Annexure P-3 with the writ petition. The only question now arise is with respect to Performance Guarantee, Security Deposit and Earnest Money deposited by the petitioner. The Answering Respondent has attached detailed information in tabular form showing details of the payments that have already been released and cases in which certain records are required from the petitioner and few false claims as indicated in the remarks column which have not been awarded by the answering respondent, A copy of the tabular sheet is attached as Annexure R-1/1 (Colly) alongwith enclosures with this reply.

Xx xx xx xx xx xx xx

2. That in reply to para no. 2 of the writ petition, it is stated that the entire payment w.r.t. to the work executed by the petitioner has already been made. The details of the payments released in respect of Performance Guarantee, Security Deposit and Earnest Money Deposit as well as payments due, if any, because of wanting information from the petitioner are mentioned in Annexure R-1/1 (Colly).

5. Learned counsel appearing on behalf of the petitioner contends that the performance security, earnest money and security deposit is stated to have been withheld for want of certain details required from the petitioner. He contends that even though the petitioner had duly furnished all the details so sought for by the respondents, however, he would be satisfied in case time barred directions are issued to the respondents. He further undertakes that he shall appear before the respondents authorities on the date so fixed by this Court and furnish all information as may be so required by the respondents.

6. Accordingly, the present writ petition is disposed of with a direction that the petitioner shall appear before the respondent No.3 i.e. the Assistant Director (Buildings), Department of Posts, India, Punjab Circle, Sandesh Bhawan, Sector-17-E, Chandigarh on or before 16.09.2022 and such other date as may be so prescribed by the said respondent and also on such other date as may be so intimated/informed by the said respondent. He further undertakes to furnish all the requisite documents as may be so desired by the respondents. A reasoned and speaking order shall be passed after appearance of the petitioner and furnishing of the requisite details within a period of 03 months by

granting an opportunity of hearing to the petitioner.

7. Needless to mention that in case the amount claimed by the petitioner is found payable, the same shall be released forthwith and preferably within a period of 03 months.

The petition is disposed off.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 02, 2022

Vishal sharma

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