

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

112

CWP-29519-2022

Date of Decision: 21.12.2022

M/S KHARA CONTRACTORS.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

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 refund the security amount of Rs.9,74,577/- qua the work of construction of Shaheed Bhagat Singh Children Friendly Park, Backside T.B. Hospital, Ferozepur City executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. On 13.12.2018, the work of construction of Shaheed Bhagat Singh Children Friendly Park, Backside T.B. Hospital, Ferozepur City was allotted to the petitioner vide Work Order No.98 dated 13.12.2018. The said work was time and executed by the petitioner till 03.05.2019 and the payment in lieu thereof has also been released to the petitioner, but the security amount of Rs.9,74,577/-, which was deducted from the bill has not been released till date. Even the defect liability period has also been elapsed on 02.05.2020 and

no defect whatsoever has been found. Accordingly, the petitioner is entitled for refund of the security amount. The petitioner visited the office of the respondents for a number of times, but the security amount has not been released till date. The petitioner submitted various representations followed by a legal notice dated 23.11.2022 (Annexure P-3) served upon respondent No.3 but no action has been taken thereupon till date.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab accepts notice on behalf of the respondents No.1 and 2 and prays for some time to complete instructions and file reply.

Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to accept notice on behalf of the respondent No.3. Hence, he accepts notice on behalf of the respondent No.3 and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if the respondent No.3 is directed to consider and decide the legal notice dated 23.11.2022 (Annexure P-3) in a time bound manner.

Both the learned counsel for respective respondents do not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.3 to consider and decide the legal notice dated 23.11.2022 (Annexure P-3) by

passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

21.12.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*