

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

109

CWP-1907-2023

Date of Decision: 01.02.2023

M/S RAI CONTRUCTIONS

... Petitioner

VERSUS

STATE OF HARYANA 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 present writ petition has been filed 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.3,24,038/- qua the work of De-silting of Sewer Lines and Manholes of Western Side of Railway Line under M.C. Sonipat, executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has executed various works assigned to him from time to time and that there had never been any complaint against the works executed by the petitioner. On 17.09.2019, the work of De-silting of Sewer Lines and Manholes of Western Side of Railway Line under M.C. Sonipat was allotted to the petitioner vide work order No.1757/W dated 17.09.2019. The petitioner successfully completed the said work upto 09.03.2020 and the payment of the bills has also been released to the petitioner. However, the security deducted from the bills has not been released till date. The detail of said security amount has been duly

given in paragraph No.3 of the petition. It is further averred that there is no dispute with regard to the successful completion of the aforesaid work as well as with regard to the security amount being payable to the petitioner. The respondents have, however withheld the security amount without any justifiable reason. The petitioner has made various representations to the respondents No.3 and 4, but no action has been taken thereupon. Recently, the petitioner has again moved a representation dated 25.08.2022 (Annexure P-3) before respondent No.3 and has requested him to release the impugned amount in favour of the petitioner, however, the respondents did not pay any heed towards the same and no action has been taken thereupon till date. Hence, the present petition.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondents No.1 & 2

Mr. Vivek Saini, 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 Haryana, is directed to accept notice on behalf of respondents No.3 & 4. Hence, he accepts notice on behalf of respondents No.3 & 4 and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, prays that at this juncture, he would be satisfied if the respondent No.3 is directed to consider and decide the representation dated 25.08.2022 (Annexure P-3) by passing a speaking and reasoned order within a stipulated time frame.

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

Accordingly, with the consent of the parties and without commenting anything on the merits of the case, the present petition is hereby disposed of with a direction to respondent No.3 to consider and decide the representation dated 25.08.2022 (Annexure P-3) by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order, after affording an effective opportunity of hearing to the respective parties.

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

Disposed of accordingly.

01.02.2023

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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No