

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

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**CWP-4782-2023
Date of decision: 10.03.2023**

M/S OASIS PROJECTS LIMITED

.....Petitioner

VERSUS

THE NATIONAL HIGHWAY AUTHORITY OF INDIA AND OTHERS

.....Respondents

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

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

Mr. Vikas Chatrath, Advocate and
Ms. Tanya Sehgal, Advocate
for the respondents-NHAI.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the security/retention amount of Rs. 11,88,106/- qua the works executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of Repair & Maintenance of Kharar-Banur-Tepla section of NH-205A from 0.000 to Km 39.53 in the State of Punjab-Repair of Highway including installation of Road Safety items in left

out portion vide letter dated 30.06.2020 and the same have also been successfully completed on 31.03.2021. The payment of work executed had been released to the petitioner but the payment of Rs. 11,88,106/- was deducted from the bills on account of security and this security was to be released after expiry of the defect liability period of one year and 28 days. As the work was completed on 31.03.2021 and as such, the defect liability period stands expired on 27.04.2022 but the security/retention money has not been released till date.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including latest representations dated 30.06.2022 & 20.01.2023 respectively have been sent by the petitioner to the respondent authorities for release of security/retention payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4- Deputy General Manager (Tech.) National Highway Authority of India, Project Implementation Unit, Chandigarh is directed to look into the representations dated 30.06.2022 & 20.01.2023 respectively and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Vikas Chatrath, Advocate with Ms. Tanya Sehgal, Advocate appears and accepts notice on behalf of respondents and have no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.4-Deputy General Manager (Tech.) National Highway

Authority of India, Project Implementation Unit, Chandigarh to examine the grievance espoused by the petitioner in the representations dated 30.06.2022 & 20.01.2023 respectively 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.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)

JUDGE

MARCH 10, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No