

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

**CWP-22413-2020 (O&M)
Date of Decision: 14.03.2022**

KULBIR SINGH

..... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

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

Mr. Sandeep Jain, Additional A.G. Punjab.

LISA GILL, J.

Prayer in this writ petition is for directing the respondents to refund the amount of ₹24,66,222/- i.e. ₹13,18,973/- as security deposited by the petitioner, ₹1,19,775/- as environment performance guarantee deposited by the petitioner besides ₹10,27,474/- as profit for balance term of the contract alongwith interest @ 12% per annum.

After issuance of notice of motion in this case on 28.01.2021, learned counsel for the State was directed on 25.08.2022 to seek instructions as to whether legal notice dated 16.03.2019 served by petitioner upon the Director, Mining Department of Industries and Commerce, Punjab has been decided or not. Order dated 25.08.2022 reads as under:-

“Learned counsel for the State to seek instructions as to whether the legal notice dated 16.03.2019 (Annexure P-11) served by the petitioner upon The Director Mining, Department of Industries and Commerce, Punjab (now known as Department of Mining Geology Department)-respondent No. 2 has been decided or not?

In case, no decision thereon has been taken till date, the needful be done within a period of four weeks. Decision, so taken, be placed on record.

In case the petitioner is found to be entitled to the claim, as has been made in the legal notice, the same be released to him within a period of further three weeks. In case the claim of the petitioner is to be rejected, a well-reasoned and speaking order be passed.

List for consideration on 07.11.2022.

To be shown in the urgent list.”

Learned counsel for the petitioner informs that pursuant thereto order dated 06.10.2022 has been passed by the Director Mines and Geology, Department of Water Resources, Punjab, whereby claim of petitioner has been partly accepted.

Operative part of order dated 06.10.2022 reads as under:-

“Hence, keeping in view the legal notice dated 16.03.2019 and the pending installments/land owner compensation/stamp duty charges etc., balance security amount of Rs.2,96,791/- and Environment Performance Guarantee of Rs.1,19,775/- is refundable to the contractor subject to the pre-audit by Finance Department. However, the amount of profit on balance quantity not excavated by him demanded by the contractor is not payable to him as he was not a party in SLP (C) 1798 of 2018 and further he has surrendered his contract before the orders of Hon'ble Supreme Court, hence is not entitled to any such profit. This order shall dispose of the present representation without any further relief.”

It is submitted that the said amount has also not been released to the petitioner in an unjustified manner.

Keeping in view the facts and circumstances as above as well as passing of order dated 06.10.2022, this writ petition is disposed of with a direction to the competent authority to release the amount in terms of order dated 06.10.2022 to the petitioner within a period of four weeks from receipt of certified copy of this order.

Liberty is afforded to the petitioner to challenge order dated 06.10.2022, as may be permissible, in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

14.03.2023
Sunil

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