

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

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**CWP-13200-2023
Date of decision: 04.07.2023**

NEW MALWA SALES CORPORATION

.....Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Kapil Kumar, Advocate for
Mr. Akhil Singh Arora, Advocate
for the petitioner.

Ms. Niharika Sharma, AAg, Punjab
for respondents No.1 & 2.

Mr. Saurav Verma, Addl. A.G. Punjab
for respondent No.3 & 4.

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 Earnest Money Deposit against the order executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel appearing on behalf of the petitioner contends that the petitioner had participated in the tender floated by the respondent No.3-Municipal Corporation, S.A.S. Nagar, Mohali. The petitioner was placed an order vide their letter No. 2387 for a quantity of 489 litres of Cyphenothrin 5%. The petitioner supplied the same to the respondent No.3-Municipal Corporation, S.A.S. Nagar, Mohali on 03.11.2020 and supplied

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GST bill vide Invoice No. GST/20-21/0526. The payment of the aforesaid bill was made to the petitioner on 23.11.2020. However, Earnest Money Deposit has not been released to the petitioner. The petitioner made several representations dated 01.12.2020 and 15.09.2021 respectively (Annexure P-4 & P-5) to the respondent authorities for release of Earnest Money Deposit but no Earnest Money has been released by the respondent-authorities.

It is contended that Legal Notice dated 30.09.2022 (Annexure P-6) has been sent by the petitioner to the respondent No.3-Municipal Corporation, S.A.S. Nagar, Mohali for release of Earnest Money Deposit.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3-the Commissioner, Municipal Corporation, S.A.S. Nagar, Mohali is directed to look into the Legal Notice dated 30.09.2022 (Annexure P-6) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 & 2.

Mr. Saurav Verma, who is the Additional Advocate General Punjab and would thus be on the panel of all statutory Board and Corporations of the State of Punjab has been requested to accept notice on behalf of the respondents No.3 & 4-Municipal Corporation, S.A.S. Nagar, Mohali.

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On the asking of the Court, he accepts notice on behalf of respondents No.3 & 4 and has 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.3-the Commissioner, Municipal Corporation, S.A.S. Nagar, Mohali to examine the grievance espoused by the petitioner in the Legal Notice dated 30.09.2022 (Annexure P-6) 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

JULY 04, 2023

Vishal Sharma

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