

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

CWP-12602-2023

Date of Decision: 01.06.2023

M/S Garga Construction Company

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present: Mr. G.S. Rana, 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 certiorari or any other suitable writ or order for quashing of impugned order dated 21.03.2023 (Annexure P-5) being unwarranted, illegal and against the principle of natural justice and further issuance of a writ in nature of mandamus directing respondent No.2 to refund security deposit along with interest @ 18% per annum.

2. Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 01.11.2021, the aforesaid work was allotted to the petitioner vide Allotment letter No.6-SPL/SF-(PDS) dated 01.11.2021.

3. The petitioner immediately commenced the work on 01.11.2021 and successfully completed the same on 27.12.2021 however, the payment

against the execution of the aforesaid work has not been released yet, even though the final bills submitted by the petitioner already stand approved by the competent authority. He further contends that in this regard, a demand notice dated 18.10.2022 (Annexure P-3) has been sent by the petitioner and that despite a lapse of more than two months since the date of demand notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondents. He contends that he would be satisfied in case the respondent authorities are directed to look into the demand notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

4. Notice of motion.

5. Mr. Deepanjay Sharma, D.A.G., Punjab accepts notice on behalf of respondents prays for some time to file response, if any.

6. Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2- The Executive Engineer, Rajasthan Feeder Division Canal Colony, Ferozepur, is directed to consider and decide the Demand notice dated 19.04.2023 (Annexure P-6) in a time bound manner.

7. Learned counsel for the respondents does not oppose the prayer made by the learned counsel for the petitioner.

8. Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.2 to consider and decide the Demand notice dated 19.04.2023 (Annexure P-6) 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.

9. Needless to mention that upon considering the said representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in his favour within a further period of three months.
10. Petition stands disposed of accordingly.

01.06.2023
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(VINOD S. BHARDWAJ)
JUDGE

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