

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-15309-2023
Date of Decision: 20.07.2023

TARUN BANSAL CONTRACTOR

... Petitioner

VERSUS

THE 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 instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of Rs.74,65,294/- including security and bank guarantee qua the work of construction of residential houses [1 No. 1900 Sft., 6 Nos. 1300 Sft. (G+2), 16 Nos. 800 Sft. (G+3) in Campus of CHC at Jakhal, District Fatehabad (Tender No.2020_HRY_119762_1)] executed by the petitioner alongwith future interest @ 12% per annum.

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 20.08.2020, the aforesaid work was allotted to the petitioner vide Allotment Letter No.5610/B dated 20.08.2020. The petitioner immediately commenced

the work and successfully completed the same on 04.11.2021 and payment of running bills has also been released to the petitioner but the payment of 5th and final bill amounting to Rs.33,09,129/- has not been released till date. Apart therefrom, the security amounting to Rs.21,84,165/- and the bank guarantee amounting to Rs.19,72,000/- has also not been released, despite the petitioner being entitled for the same. The total of the abovesaid amounts comes to Rs.74,65,294/-. The petitioner approached the respondents for a number of times, but nothing fruitful could be gained. Thereafter, the petitioner submitted numerous representations followed by a legal notice dated 20.06.2023 (Annexure P-4) but of no use. The respondents neither responded to the same nor did they make the payment of outstanding amount of the petitioner.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana accepts notice on behalf of the respondents and prays for some time to file response, if any.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4- The Executive Engineer, Provincial Division, PWD B&R Branch, Fatehabad is directed to consider and decide the legal notice dated 20.06.2023 (Annexure P-4) in a time bound manner.

Learned State Counsel does not oppose the prayer made by learned counsel for the petitioner.

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.4 to consider and decide the legal notice dated 20.06.2023 (Annexure P-4) 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.

Needless to mention that upon considering the said legal notice, 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.

Petition stands disposed of accordingly.

JULY 20, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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