

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-19533-2023

Date of Decision: 04.09.2023

M/S TARSEM CHAND GARG

...Petitioner

VERSUS

THE STATE OF PUNJAB 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 security amount of Rs.49,04,378/- qua the works executed by the petitioner, alongwith 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. During the year 2016, certain works were allotted to the petitioner vide different allotment letters. The details of these work and amount payable to the petitioner are given in Para No.3 of the writ petition. It is further submitted that there is no dispute with regard to successful completion of the works and as well as the amount claimed but the security deducted from the bills has not been released to the petitioner. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched.

Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a Legal Notice dated 07.08.2023 (Annexure P-3) upon respondent No.5-the Executive Engineer, Punjab Water Supply & Sewerage Division No.2, Bathinda but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-the Executive Engineer, Punjab Water Supply & Sewerage Division No.2, Bathinda is directed to consider and decide the Legal Notice dated 07.08.2023 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents 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.5 to consider and decide the legal notice dated 07.08.2023 (Annexure P-3) 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.

04.09.2023
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(VINOD S. BHARDWAJ)
JUDGE

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