

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

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CWP-20185-2023
Date of Decision: 13.09.2023

M/S KARANVIR SINGH SAINI GOVT. CONTRACTOR

..... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Rajesh Kumar 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 balance 50% security amounting to Rs.3,97,446/- 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. On 03.09.2021, the work of construction of Sports Stadium at Village Chando Gobindgarh, District SAS Nagar (Civil & Public Health Work) was allotted to the petitioner vide allotment letter No. 2215 dated 03.09.2021. It is further submitted that there is no dispute with regard to successful completion of the works and as well as the amount claimed. The payment of the bills has also

been released to the petitioner. It is pointed out that an amount of Rs. 7,94,891/- was deducted from the running bills on account of security but the balance 50% security amount of Rs. 3,97,446/- has not been released till date. The petitioner approached the respondents several times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations including representation dated 14.07.2023 (Annexure P-3) upon respondent No.3-the Executive Engineer (Civil), Punjab State Sports Council, S.A.S. Nagar, Mohali but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Ms. Anju Sharma Kaushik, DAG, Punjab appears and accepts notice on behalf of respondents No.1.

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.2 to 4-Punjab State Sports Council.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 4-Punjab State Sports Council.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-the Executive Engineer (C), Punjab State Sports Council, S.A.S. Nagar, Mohali is directed to consider and decide the representation dated 14.07.2023 (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.3-the Executive Engineer (C), Punjab State Sports Council, S.A.S. Nagar, Mohali to consider and decide the representation dated 14.07.2023 (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 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.

Petition stands disposed of accordingly.

SEPTEMBER 13, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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