

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

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**CWP-23357-2023
Date of Decision: 16.10.2023**

BALJINDER SINGH CONTRACTOR

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: Mr. Tajinder Pal Singh Makkar, 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 make the payment of Rs. 7,66,187/- payable towards security amount deducted on account of the works executed by the petitioner and for releasing an amount of Rs. 1,00,000/- Bank Guarantee (total amount payable is Rs. 8,66,187/-), 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 18.10.2021, the work of P/L DB Paving in Ucha Tibba at Kotkapura Bypass, Moga was allotted to the petitioner vide work order No.44/83 dated 18.10.2021. The estimate amount for this work was Rs. 19.25 lacs and the

same was allotted to the petitioner @ 25.65% below the estimate amount. At the time of allotment of this work, a bank guarantee of Rs. 1,00,000/- was received on 07.10.2021 for a period of 1 year. Similarly, on 07.12.2021, the work of construction of Shed and Laying BBOE in Charik Road Gaushala, Moga was allotted to the petitioner vide work order No. 46/51 dated 07.12.2021. The estimate amount for this work Rs. 62.93 lacs and the same was allotted to the petitioner @ 5.25% below the estimate amount and after negotiation the said work was allotted @ 5.30% below and as such the same was allotted to the petitioner at the tender amount of Rs. 59,59,471/-. The petitioner has successfully completed the aforesaid work within stipulated time period and the payment of both these work is released to the petitioner except the payment of Rs. 7,67,187/- deducted as security amount at the time of releasing the bills alongwith Rs. 1,00,000/- bank guarantee (total amount payable is Rs. 8,66,187/-), 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 including latest representation dated 11.05.2023 (Annexure P-5) upon respondent-authorities but the respondents neither responded to the same nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, 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-Municipal Corporation, Moga.

On the asking of the Court, he accepts notice on behalf of respondents No.2 to 4-Municipal Corporation, Moga.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-Corporation Engineer, Municipal Corporation, Moga is directed to consider and decide the representation dated 11.05.2023 (Annexure P-5) in a time bound manner.

Learned counsel for the respondents does not oppose to 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-Corporation Engineer, Municipal Corporation, Moga to consider and decide the representation dated 11.05.2023 (Annexure P-5) 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.

OCTOBER 16, 2023

Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No