

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

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**CWP-22686-2023
Date of Decision: 09.10.2023**

M/S PREM KUMAR BANSAL

... Petitioner

VERSUS

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 refund the balance 50% security amounting to Rs.4,21,734/- including earnest money qua the work of replacement of existing A.C./C.I. under water damage of W/S lines in various streets at Malout executed by the petitioner, alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. On 19.08.2016, the abovementioned work was allotted to the petitioner vide Agg. No.86 of 2016-17. The petitioner successfully completed the said work on 20.09.2018 and the defect liability period also stood expired on 19.09.2019. The payment qua the said work has also been released in favour of the petitioner,

however, the amount of balance 50% earnest money deposited/security deducted from the running bills has not been released till date. The details of total outstanding amount are duly given in tabulated form in paragraph No.3 of the petition. The petitioner paid several visits to the office of the respondents and submitted numerous representations for getting his amount release, but all in vain. Finally, the petitioner served a legal notice dated 12.09.2023 (Annexure P-3) but no action has been taken by the respondents thereupon till date.

Notice of motion.

Mr. Sanjay Sabharwal, Addl. A.G., Punjab accepts notice and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.6 is directed to consider and decide the legal notice dated 12.09.2023 (Annexure P-3) in a time bound manner.

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

Accordingly, in view of the above and 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.6 to consider and decide the legal notice dated 12.09.2023 (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 favour of the petitioner within a further period of three months.

OCTOBER 09, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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