

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

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**CWP-23699-2023
Date of decision: 18.10.2023**

M/S PREM KUMAR BANSAL

.....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.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the balance 50% security amounting to Rs. 6,57,220/- including earnest money qua the works executed by the petitioner alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner has executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. During the year 2013 to 2014, the work of providing fixing of 36" i/d & 12" i/d RCC P-1 S&S type Rising Main & 28" i/d DI K-9 pipe line from Canal Colony MPS to Sanguana Basti Shaft & all other works contingent there to Bathinda was allotted to the petitioner vide agreement No. 01 of 2013-14.

The details of these bills and the amount payable to the petitioner are mentioned in para 3 of the writ petition. The petitioner has successfully completed the said works and there is no dispute with regard to the works executed by the petitioner. The entries with regard to execution of these works have been made in the Measurement Book but the balance amount of 50% earnest money deposit/security deducted from the running 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 to the respondents for releasing the balance amount of 50% earnest money deposit/security deducted from the running bills but no response has been received from the respondent-authorities. Recently, a legal notice dated 12.09.2023 (Annexure P-3) has been served upon respondent No.6 (wrongly mentioned as respondent No.5)-the Executive Engineer, Punjab Water Supply & Sewerage Division No.1, 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. respondent No.6 (wrongly mentioned as respondent No.5)-the Executive Engineer, Punjab Water Supply & Sewerage Division No.1, Bathinda is directed to consider and decide the Legal Notice dated 12.09.2023 (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.6 (wrongly mentioned as respondent No.5)-the Executive Engineer, Punjab Water Supply & Sewerage Division No.1, Bathinda 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 his favour within a further period of three months.

Petition stands disposed of accordingly.

OCTOBER 18, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No