

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

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CWP-26145-2023
Date of Decision: 21.11.2023

M/s GURJEET SINGH CONTRACTOR

..... 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 refund the security amount of Rs. 3,54,475/- 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 28.07.2016, the work of Up-gradation of Widening of Road from Maur Kalan Phirni to Partap Factory was allotted to the petitioner vide work order No. 16 Book No. 05 dated 28.07.2016. The petitioner has successfully completed the aforesaid work on 27.11.2016 and the payment of the bills has also been released to the petitioner. It is further submitted that an amount of Rs.

3,53,475/- was deducted on account of 10% security from the running bills but this amount has not been refunded to the petitioner. Moreover, the defect liability period of five years also expired on 26.11.2021. 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 29.12.2021 (Annexure P-3) upon respondent No.3-the Executive Officer, Municipal Council, Maur Mandi, District Bathinda but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Anju Sharma Kaushik, DAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2.

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 respondent No.3-Municipal Council, Maur Mandi, District Bathinda.

On the asking of the Court, he accepts notice on behalf of respondent No.3- Municipal Council, Maur Mandi, District Bathinda.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3-the Executive Officer, Municipal Council, Maur Mandi, District Bathinda is directed to consider and decide the representation dated 29.12.2021 (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 Officer, Municipal Council, Maur Mandi, District Bathinda to consider and decide the representation dated 29.12.2021 (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.

NOVEMBER 21, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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