

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

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CWP-28928-2023
Date of Decision: 21.12.2023

M/S A.G. CONSTRUCTION CO.

..... Petitioner

VERSUS

**THE PUNJAB HERITAGE & TOURISM PROMOTION BOARD AND
OTHERS**

.... Respondents

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

Present: Mr. Piyush Setia, Advocate for
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 EMD & Security amount of Rs.30,13,913/- 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. However, the admitted earnest money deposit and admitted security is not being released to the petitioner. The details of the works and EMD/security payable to the petitioner are given in para No.2 of the writ petition. 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 but no response has been received by the petitioner. Lastly, a Legal Notice dated 09.10.2023 (Annexure P-3) has been served by the petitioner upon respondent–authorities to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Mr. Sanjay Sabharwal, 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.4-Manager (Works), Punjab Heritage & Tourism Promotion Board, Chandigarh is directed to consider and decide the Legal Notice dated 09.10.2023 (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.4-Manager (Works), Punjab Heritage & Tourism Promotion Board, Chandigarh to consider and decide the Legal Notice dated 09.10.2023 (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.

DECEMBER 21, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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