

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-2131-2024 (O&M)
Date of decision: 01.02.2024

M/s Pacific Engineers & Builders ...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 preferred by the petitioner seeking issuance of an appropriate writ especially in the nature of Mandamus directing the respondents to refund the amount of Rs.9,18,900/- deposited by the petitioner on account of EMD fee and tender fee qua the work of construction of Boundary Wall Type-A & B and Main Gate for Sant Baba Attar Singh State Institute of Medical Sciences, Sangrur along with interest @ 12% per annum.

Learned counsel for the petitioner contends that the bid was submitted by the petitioner for the above said work and deposited tender fee Rs.25,900/- and EMD fee of Rs.8,93,000/- (total Rs. 9,18/900/-). The bid validity period of the said tender was 120 days, but neither the said work has been allotted to the petitioner nor the amount deposited by him has been refunded even after passing of more than 01 year and 04 months. He contends that in this regard, a representation dated 25.09.2023 (Annexure P-3) has been sent by the petitioner and despite a lapse of more than 04 months since the date of the aforesaid representation neither any decision has been

taken thereupon nor has the said payment been released by the respondents. He further contends that he would be satisfied in case the respondent-authorities are directed to look into the aforesaid representation and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Ms. Lavanya Paul, DAG Punjab, accepts notice on behalf of the respondents-State and submits that she has no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.4-The Executive Engineer, Provincial Division, PWD (B&R) Branch, Sangrur, is directed to take note of the representation dated 25.09.2023 (Annexure P-3) sent by the petitioner and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner being established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

01.02.2024
Mangal Singh

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