

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-2056-2024
Date of Decision: 01.02.2024

M/S A.G. CONSTRUCTION CO.

... 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 EMD, tender fees and processing fee amounting to Rs.6,99,550/- deposited by the petitioner qua the work of Construction of Boundary Wall at PDA Enclave Sangrur alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that pursuant to E-tender No.129/PDA/DE(C)/2023/10419 dated 31.03.2023 floated by the respondent- Patiala Development Authority, the petitioner had submitted the bid dated 20.04.2023 for the above mentioned work. The petitioner had deposited an amount of Rs.6,93,500/- as EMD and tender fee worth Rs.5,900/-, totaling the amount to Rs.6,99,550/-. Even though the petitioner was L2, however, the bid of the petitioner was accepted alongwith L1 i.e. M/s ASC Builders Pvt. Ltd. It is further averred that the bid validity of 120 days stands

expired on 21.08.2023 and as such, the petitioner is entitled for refund of the abovesaid amount of Rs.6,99,500/-. However, the respondents have not released the same till date. He further contends that the petitioner visited the office of the respondents on a number of occasions but noting fruitful could be done. Further, the petitioner made several representations followed by a legal notice dated 08.01.2024 (Annexure P-3) which has recently been served upon the respondents but no action has been taken thereupon till date.

Notice of motion.

Ms. Lavanya Paul, DAG, 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.4- The Divisional Engineer (Civil), Patiala Development Authority, PUDA Complex, Urban Estate, Phase-II, Patiala is directed to consider and decide the legal notice dated 08.01.2024 (Annexure P-3) in a time bound manner.

The learned State Counsel does not oppose the prayer made by the 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 to consider and decide the legal notice dated 08.01.2024 (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 of the 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.

Petition stands disposed of accordingly.

FEBRUARY 01, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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