

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-4897-2024 (O&M)
Date of decision: 01.03.2024

M/s Satish Aggarwal & Co., # 458-R, Model Town, Jalandhar

...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)

1. 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 security amount of Rs.7,62,665/- qua the work of Road Safety of Improvement of different types of intersection at Km. 8.450, 35.410, 40.600 and 41.300 of Jalandhar Hoshiarpur Road on HH-70 (New NH-03) executed by the petitioner along with interest @ 12% per annum.
2. Learned counsel for the petitioner contends that the petitioner has executed various works assigned to him from time to time. On 18.02.2015, the above said work was allotted to the petitioner vide EE

No.7148 dated 18.02.2015. The petitioner has completed the said work successfully on 15.09.2016 and the payment as well as 50% of the security amount has also been released to the petitioner on 31.10.2017 but the remaining 50% of the security amount i.e. Rs.7,62,665/- has not been released till date. He contends that in this regard, a legal notice dated 01.02.2024 (Annexure P-5) has been sent by the petitioner to respondent No.4 and that despite a lapse of about 01 month since the date of the aforesaid legal notice neither any decision has been taken thereupon nor has the due and balance security amount 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 legal notice 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.

3. Notice of motion.

4. Mr. Saurav Verma, Addl. A.G., Punjab, accepts notice on behalf of the respondents-State and submits that he has no objection to the aforesaid prayer being granted.

5. 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, National Highway Division, PWD B&R Branch, Hoshiarpur, is directed to take note of the legal notice dated 01.02.2024 (Annexure P-5) 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.

6. 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.

7. Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

01.03.2024

Mangal Singh

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