

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

110

CWP-8273-2024
Date of Decision: 16.04.2024

M/S MAKHAN LAL GOVT. 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. 14,49,317/- 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. During the year 2016, certain works were allotted to the petitioner and the same has been successfully completed in the year 2017 and the defect liability period of 05 years stands expired in the year 2022. The payment of the aforesaid work has been released to the petitioner but the security amount of Rs. 14,49,317/- deducted from the bills has not been released till date. The

details of these works are mentioned 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 01.03.2024 (Annexure P-3) has been served by the petitioner upon respondent No.4-the Executive Officer, Nagar Panchayat, Joga, District Mansa to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Ms. Harpriya Khaneka, DAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Vipin Pal Yadav, 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 and 4-Nagar Panchayat, Joga, District Mansa.

On the asking of the Court, he accepts notice on behalf of respondent No.3 and 4-Nagar Panchayat, Joga, District Mansa.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-the Executive Officer, Nagar Panchayat, Joga, District Mansa is directed to consider and decide the Legal Notice dated 01.03.2024 (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-the Executive

Officer, Nagar Panchayat, Joga, District Mansa to consider and decide the Legal Notice dated 01.03.2024 (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 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.

APRIL 16, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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