

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-8904-2024 (O&M).
Date of Decision: 22.04.2024.

M/S OASIS PROJECTS LIMITED

.. Petitioner

Versus

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Rajesh Kumar 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 in the nature of Mandamus directing the respondents to release the balance security amount of Rs.4,86,596/- qua the work executed by the petitioner.

The petitioner claims to be Government Contractor having been assigned the work of work of special repair of NH 205 Purkhali Bardar Road via Mianpur Purkhali Balamgarh Mandwara, Fatehpur Bhangala (Section NH-205 to Rangilpur Mianpur Balamgarh Mandwara Santpura Chupki (KM 3.20 to 14.30) under NABARD XXI. A copy of the allotment letter dated 29.12.2015 has been appended with the present petition as Annexure P-1.

Learned counsel for the petitioner contends that the aforesaid work stand successfully executed, however, the security amount has not been released. He contends that in this regard, a representation dated 08.07.2022 (Annexure P-4) followed by a subsequent representation dated 09.02.2023 (Annexure P-5) has been sent by the petitioner and that despite lapse of a period of more than one year since the last representation neither any decision has been taken thereupon nor has the due and undisputed 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 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.

On the asking of the Court, Mr. Vipin Pal Yadav, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of the respondents and submits that he 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, Industrial Area, Phase-I, S.A.S. Nagar, Mohali, is directed to take note of the representation dated 09.02.2023 (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.

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.

April 22, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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