



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-16491-2024

Date of Decision: 19.07.2024

ASHOK KUMAR

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.... Respondents

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

Present: Mr. Govind Chauhan, Advocate for
Mr. Varun Singh Dhanda, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Vivek Saini, Advocate
for respondents No. 2 to 6-Municipal Corporation, Gurugram.

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 release the payment of Rs. 29,49,409/- out of the total restricted tender amount of Rs. 61,61,336/- alongwith interest @ 12% p.a from the date that the payment was due and a further prayer is to direct the respondents to also consider releasing the EMD fee amounting to Rs. 4,00,000/- and to also release the 5% Performance Security Deposit amounting to Rs. 1,30,800/- alongwith interest @ 12% p.a.



Learned counsel for the petitioner submits that with regard to his grievance, he has submitted various representations including recent representation dated 06.05.2024 (Annexure P-25) to the respondent No. 2-The Commissioner, Municipal Corporation, Gurugram but no action has been taken by the respondent-Department on the said representations. Hence, the present writ petition.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondent No.1.

Mr. Vivek Saini, Advocate appears and accepts notice on behalf of respondents No.2 to 6-Municipal Corporation, Gurugram.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No. 4-the Executive Engineer, Division-V, Municipal Corporation, Gurugram is directed to consider and decide the representation dated 06.05.2024 (Annexure P-25) in a time bound manner.

Learned Counsel appearing on behalf of the respondents do 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 Engineer, Division-V, Municipal Corporation, Gurugram to consider and



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decide the representation dated 06.05.2024 (Annexure P-25) 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 representation, 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.

JULY 19, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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