

2024:PHHC:097955



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CWP-18120-2024

Date of Decision: 01.08.2024

THE BARGARI CO-OP. L & C SOCIETY LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

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

Present: Mr. T.P.S. Makkar, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to release the due payment of Rs.2,37,639/- which includes FDRs of Rs.1,46,500/- deposited as bank guarantee/performance security and Rs.77,584 as security deducted at the time of making payment of the bills and Rs.13,555/- as earnest money deposited on account of the works executed by the petitioner, alongwith interest @ 12% per annum.

After arguing at some length, learned counsel for the petitioner submits that with regard to his grievance, the petitioner has submitted a representation dated 14.03.2024 (Annexure P-6) but the respondents have neither paid the outstanding dues to the petitioner nor have they taken any action upon the said representation.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

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Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.2- Executive Engineer, Harike Canal Division, Canal Colony, Ferozepur is directed to consider and decide the representation dated 14.03.2024 (Annexure P-6) submitted by the petitioner, by passing a speaking order in a time bound manner.

Learned State Counsel has no objection to the request 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.2 to consider and decide the representation dated 14.03.2024 (Annexure P-6) 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 representation, 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.

AUGUST 01, 2024
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No