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

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**CWP-26207-2024 (O&M).
Date of Decision: 14.10.2024.**

SHAILESH TOMAR

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Varun Singh Dhanda, 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 official respondents to consider releasing the 5% Performance Security amounting to Rs.5,69,420/- and penalty amounting to Rs.2,38,270/- deducted from the payment of the 3rd and final bill (total amounting to Rs.8,07,690/-) along with interest @ 12 % per annum.

2 At the very outset, learned counsel for the petitioner submits that at this juncture, the petitioner would be satisfied in case a direction is issued to the respondent-Authorities to look into the grievance espoused by the petitioner in the various representations sent by the petitioner and

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thereafter to pass a speaking and reasoned order in accordance with law and in a time bound manner.

3 Notice of motion.

4 Mr. Pankaj Mulwani, DAG, Haryana, accepts notice on behalf of respondent No.1/State and Mr. Vivek Saini, Advocate, enters appearance and accepts notice on behalf of respondents No.2 to 7-Municipal Corporation, Gurugram and they submit that they have 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 writ petition is disposed of and respondent No.5 - the Executive Engineer-I, Municipal Corporation, Gurugram, is directed to take note of the representation dated 14.03.2024 (Annexures P-9) 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 In the event of non-payment of dues within the said period, the same shall be released along with interest @ 6% per annum from the date of filing of the present petition to be paid to the petitioner and further subject to additional payment of a cost of Rs.50,000/- to be deposited with the PGI

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Poor Patients’ Welfare Fund, Chandigarh. The said additional financial liability of accrued interest and cost shall be subject to recovery from the erring officials.

8 Petition stands disposed of accordingly.

October 14, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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