



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

253

CWP-24741-2023 (O&M)

Date of decision: 10.12.2024

M/s. Jarnail Singh Contractor

...Petitioner

VERSUS

District Level Micro and Small Facilitation Council, Ludhiana and another

...Respondents

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

Present :- Mr. Babbar Bhan, Advocate for the petitioner.

Mr. Anil Rathee, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the petition is for directing respondent No.2 to release the bank guarantee No.0304ILG007714 dated 24.11.2014 furnished in its favour in lieu of agreement dated 24.11.2014 since there is satisfactory execution of work for laying PLB Pipes Sialba Majri Block, District SAS Nagar and in the area of Chandigarh.

Learned counsel appearing on behalf of the petitioner contends that the petitioner-Contractor had undertaken the aforesaid work on behalf of the respondent-Bharat Sanchar Nigam Limited and despite satisfactory execution of the work, the bank guarantee furnished by the petitioner is not being released on account of the pendency of the instant petition.

Learned counsel appearing on behalf of respondent-Bharat Sanchar Nigam Limited on the other hand, contends that the aforesaid bank



253

CWP-24741-2023 (O&M)

guarantee has been withheld since the petitioner had failed to furnish the requisite proof of deposit of the Employees Provident Fund with the Employee Provident Fund Organisation and has also not furnished the proof of clearing the statutory liabilities such as GST, Service Tax etc. applicable in terms of agreement so furnished.

Learned counsel appearing on behalf of the petitioner rebuts the aforesaid objection raised by the learned counsel appearing on behalf of Bharat Sanchar Nigam Limited and contends that the requisite documents have already been furnished but submits that he does not wish to enter into the said controversy. He submits that he has no objection, in case the present writ petition is disposed of with liberty to the petitioner to approach the respondent(s) alongwith all the documents as are being desired by them with a direction to take a decision on the entitlement of the petitioner to the release of bank guarantee in a time bound manner.

Learned counsel appearing on behalf of the respondent-Bharat Sanchar Nigam Limited has no objection to the same.

Hence, the present writ petition is **disposed of** with liberty to the petitioner to approach respondent No.2-General Manager Telecommunication, Chandigarh alongwith the requisite documents including deposit of the contribution towards the Employees Provident Fund as also payment of all statutory dues required to be discharged by the petitioner-Contractor.

In the event of the petitioner furnishing the requisite documents and proof with respondent No.2, a decision shall be so taken in a time bound



253 CWP-24741-2023 (O&M)

manner preferably within a period of two months of submission of such application. In case, the claim of the petitioner is found to be duly established, the respondents shall release the undisputed amount towards the bank guarantee within a period of 04 weeks thereafter.

The writ petition is **disposed of** accordingly.

(VINOD S. BHARDWAJ)
JUDGE

10.12.2024

Mangal Singh

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