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

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**CWP-29128-2024 (O&M).
Date of Decision: 25.10.2024.**

M/S EMM EMM CONSTRUCTION CO.

... Petitioner(s)

Versus

THE STATE OF PUNJAB AND OTHERS

... Respondent(s)

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

Present: Ms. Kirandeep Kaur, Advocate, with
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 refund the EMD amount of Rs.5,91,180/- qua the work of Construction of Community Centre, Sports Stadium, Park at Village Santemajra, Near Shivalik City, executed by the petitioner, 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 the respondent-Authorities are directed to look into the legal notice dated

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01.10.2024 (Annexure P-3) 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.

3 Notice of motion.

4 Mr. Aditya Sharda, DAG, Punjab, accepts notice on behalf of respondents No.1 and 2 and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment would also be deemed to be on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to and accepts notice on behalf of respondent No.3/the Municipal Council, Kharar, District S.A.S. Nagar, Mohali, and 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 petition is disposed of and respondent No.3 - the Executive Officer, the Municipal Council, Kharar, District S.A.S. Nagar, Mohali, is directed to take note of the legal notice dated 01.10.2024 (Annexure P-3) 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

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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 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 25, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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