

2024.PHHC.157520



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

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**CWP-31955-2024
Date of Decision: 27.11.2024**

M/S OASIS PROJECTS LIMITED

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to refund the EMD amount of Rs.14,37,320/- qua the work of 4-laning of Old Morinda Road from NH-21 Junction to Kharar to 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 various representations including the last one dated 06.02.2023 (Annexure P-3) 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.

Mr. Raghav Garg, AAG, Punjab accepts notice on behalf of respondents No.1 and 2; and prays for some time to complete instructions and file response, if so advised.



Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of respondent No.3 and also prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.3- The Executive Officer, Municipal Council, Kharar, S.A.S. Nagar, Mohali is directed to consider and decide the representation dated 06.02.2023 (Annexure P-3) submitted by the petitioner, by passing a speaking order in a time bound manner.

Learned Counsel for the parties do not have any 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.3 to consider and decide the representation dated 06.02.2023 (Annexure P-3) 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.

In the event of non-payment of dues within the abovesaid period, the same shall be released along with interest @ 6% per annum from the date of filing of present petition to be paid to the petitioner and further subject to additional payment of costs of Rs.50,000/- to be deposited with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education &



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Research, Chandigarh. The said additional financial liability of accrued interest and costs shall be subject to recovery from the erring official.

Petition stands disposed of accordingly.

NOVEMBER 27, 2024.
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(VINOD S. BHARDWAJ)
JUDGE

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