



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 286 of 2023

Decided on: 21.3.2023

M/S Lakshya Construction

.....Petitioner.

Versus

Himachal Pradesh Public Works Department & Ors.

.....Respondents.

Coram

The Hon'ble Ms. Justice Sabina, *Acting Chief Justice.*

The Hon'ble Mr. Justice Satyen Vaidya, *Judge.*

Whether approved for reporting?¹

For the petitioner : Mr. Shivank Singh Panta,
Advocate.

For the respondents : Mr. Rakesh Dhaulta, Additional
Advocate General.

Sabina, Acting Chief Justice (Oral)

Petitioner has filed the petition under Article 226 of
the Constitution of India, seeking following substantive reliefs:

¹ ***Whether the reporters of the local papers may be allowed to see the Judgment?***

- “i) Quash and set aside the impugned Office Order dated 28.08.2021.*
- ii) Direct the respondents not to forfeit/deduct the amount of Performance Security and Additional Performance Security which is to the tune of Rs. 15,44,595/- and refund the same to the petitioner firm.*
- iii) Direct the respondents not to effect any recovery of any amount or of any nature whatsoever from the petitioner firm including levying of 10% liquidation damages amounting to Rs. 23,39,874/- and 20% additional cost imposed on the petitioner firm for not completing the work which comes to Rs. 38,57,203/-.*
- iv) Direct the respondents to release the amount of Rs. 41,12,732/- in favour of the petitioner firm which amount is the total value of work done by the petitioner firm as on the date of issuance of impugned office order.*
- v) Direct the officials of Respondent Department to afford the partner of the petitioner firm namely, Sh. Pawan Kumar an opportunity of being heard in terms of letter dated 21.09.2022 before passing any further order or directions.”*

2. We have heard learned counsel for the petitioner and have gone through the record available on file, carefully.

3. Learned counsel for the petitioner has submitted that the petitioner had moved representation (Annexure P-10), before respondent No. 1 for redressal of his grievances. The representation moved by the petitioner was forwarded by

respondent No. 4 to respondent No. 3 for necessary action vide Annexure P-11, but no action has been taken so far. At this stage, petitioner would be satisfied in case this petition is disposed of with a direction to respondent No. 3 to decide the representation of the petitioner within some time bound manner.

4. Accordingly, without advertent to the merits of the case, we deem it appropriate to dispose of this petition with a direction to respondent No. 3 to consider and decide the representation (Annexure P-10), moved by the petitioner, expeditiously, in accordance with law, preferably, within a period of three months from the date of receipt of copy of this order.

5. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Sabina)
Acting Chief Justice

(Satyen Vaidya)
Judge

March 21, 2023
(vs)