

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

CWP No. 17865 of 2017 (O&M)
Date of Decision: 27.10.2017

RAJESH KUMAR CONTRACTOR

... Petitioner

V/s.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. RAKESH KUMAR JAIN

Present: Mr. C.B. Goel, Advocate,
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India for issuance of writ of mandamus directing respondents to release amount due to him for the work executed by him on behalf of the respondents.

After notice of motion was issued, respondents have filed reply in which they have not denied that the petitioner is entitled to the amount as claimed by him in the present writ petition. However, it is averred that the said payment could not be made to the petitioner because of the budgetary allocation and they are now in process of sanction thereof.

Learned counsel for the petitioner has submitted that petitioner is a small time contractor who had completed the work in the financial year 2013-2014 and is waiting for its payment since then.

Be that as it may, since respondents are not denying their liability to pay the petitioner and have only taken a refuge of non availability of funds, I am of the considered opinion that the respondents are liable to pay the amount due to the petitioner expeditiously and therefore, the present revision is

CWP No. 17865 of 2017 (O&M)

disposed of with a direction to respondents to pay the amount due to the petitioner alongwith simple interest @ 9% per annum to be calculated from the date it became due till the date of its realization.

The needful shall be done within the period of one month from the date of receipt of certified copy of this order.

October 27, 2017
Suresh Kumar

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No
<i>Whether Reportable</i>	:	Yes	/	No