

Sr.No.212

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

CWP-7718-2016(O&M)

Date of Decision: 06.11.2017

Balraj Singh

.....Petitioner

VS.

State of Punjab and others

...Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr.Bhavyadeep Walia, Advocate for the petitioner.
Ms. Sunnit Kaur, AAG, Punjab.
Mr. Sumit Jain, Advocate for respondent no.3.

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RAKESH KUMAR JAIN, J (ORAL)

The petitioner, a Government Contractor, has prayed for a direction to the respondents to release the balance amount of ₹9,27,324/- and ₹16,02, 998/- of interest.

Learned counsel for the petitioner has submitted that the principal amount has already been paid. However, the component of interest accrued on the principal amount has not been paid. On the last date of hearing, the case was adjourned to enable the counsel for the respondent no.3 to seek instructions about the payment of simple interest @ 9% per annum.

Learned counsel for respondent no.3 has submitted that the financial condition of respondent no.3 is not such that it can bear the burden of payment of interest.

On the other hand, learned counsel for the petitioner has submitted that financial condition of the petitioner is also not good because

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he had also raised loan for the purpose of completion of work and, therefore,
he is entitled to interest.

I have heard learned counsel for the parties.

It is needless to mention that the petitioner was entitled to the
payment which is made to him only on the filing of this petition and that too
after about four years.

Consequently, the present petition is hereby disposed of with a
direction to respondent no.3 to pay simple interest @ 9% to be calculated
from the date when it became due till the date it is actually paid. The needful
shall be done by respondent no.3 within a period of three months from the
date of receipt of certified copy of this order.

06.11.2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No