

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.9347 of 2017

Date of Decision.03.05.2017

2. CWP No.9363 of 2017

Kabarwacha Cooperative Labour and Construction Society Limited
.....Petitioner

Vs

State of Punjab and others
.....Respondents

Present: Mr. R.S. Sekhon, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

Notice of motion.

Mr. Yatinder Sharma, Addl. AG, Punjab accepts notice.

The grievance of the petitioner in both the present case is that the petitioner was allotted the work of construction of Anganwari Building at village Chutala, Block Naushera, Pannuan, District Tarn Taran vide tender dated 28.10.2015. The petitioner completed the entire work as per the allotment within time but the respondents has paid ₹2,33,500/- whereas ₹2,13,467/- is still due in writ petition bearing No.9347 of 2017 and as regards writ petition bearing No.9363 of 2017, a sum of ₹2,33,000/- has been paid by the respondents whereas an amount of ₹2,13,877/- is still outstanding. The factum of the payment is admitted by way of reply dated 27.12.2016 (Annexure P-3), in response to legal notice dated 23.12.2016 (Annexure P-2). The contents of which read as under:

“This is with reference to your legal notice dated 23.12.2016, received in this office on 27.12.16 on the subject cited above.

In this connection, it is intimated that society has accepted the terms and conditions of agreement for the construction of Anganwari building at Village Chutala-I, Block Naushera Pannuan, Distt. Tarn Taran which read as under:

“The payment to the contractor shall be made subject to the funds received from the client department”

So, as & when funds will be received from the client department the payment will be released to the society as per terms and conditions of the agreement.

*Sd/-
Executive Engineer (N)
Markfed, Jalandhar”*

In view of stand taken therein, I am of the view that the demand of the petitioner is undisputed. Resultantly, the writ petitions are disposed of with a direction to respondent No.4 – Executive Engineer (N), Markfed, Jalandhar to expedite the payment of the petitioner as the payment is due since long within a period of three months, failing which, it will entail interest @ 18% per annum.

**(AMIT RAWAL)
JUDGE**

May 03, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No