

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

**CWP-16987-2017 (O&M)
Date of decision : 06.08.2018**

M/s Sindhu Construction Company

...Petitioner(s)

Versus

Haryana State Cooperative Supply and
Marketing Federation Ltd. and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Pritam Singh Saini, Advocate for the respondents.

JITENDRA CHAUHAN, J.

Prayer in the instant petition is for issuance of a direction to the respondents to release the payment of the petitioner for the work executed by it.

It is asserted that the petitioner executed three works for the respondents. Completion certificates, Annexures P-9 to P-11 were issued by the Executive Engineer which record that the work allotted to the petitioner for various contracts reflected therein stand executed during the year 2013-14. The certificates also record that the “work has been done well satisfactory by the agency.”

Learned counsel for the respondents states that the certificates in question have been issued by the Executive Engineer, who was not the competent authority to issue the same. The work has not yet been completed by the petitioner. A part of the contractual amount due to the

petitioner has already been paid.

Heard.

This Court is unable to accept the submissions made by learned counsel for the respondent as no action so far has been taken against the officer who issued the certificates of completion of work, Annexures P-9 to P-11. Otherwise also, such argument advanced by learned counsel for the respondents lacks the foundation on which it rests as no document has been cited on the basis of which it can be said that the officer was incompetent to issue the certificates. Moreover, the Court is not inclined to appreciate the stand taken by the respondents that the work has not yet been completed, as the same is against Annexures P-9 to P-11.

In view of the above, the instant petition is allowed. The respondents are directed to release the remaining contractual amount to the petitioner without further delay, along with interest at the rate of 6.5% per annum from the date of issuance of completion certificates, Annexures P-9 to P-11.

06.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No