

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

CWP-858-2017 (O&M)
Date of decision : 24.08.2018

Sachin Marwaha

...Petitioner(s)

Versus

Punjab Water Supply & Sanitation Department and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Jyoti Sareen, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The present petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari quashing reply dated 12.07.2016 (Annexure P-6) and letter dated 05.10.2016 (Annexure P-8) issued by respondent No.3, whereby, the claim of the petitioner for payment of interest on the delayed payment, has been rejected.

Learned counsel contends that despite the fact that the contract work was completed within specified time to the satisfaction of the respondents, the contractual amount was paid belatedly. The factum of delay in making the payments to the petitioner has also not been denied by the respondents. However, the grant of interest has been denied only on the ground that there is no clause in the agreement entitled to petitioner for interest.

Learned State counsel submits that the delay in making the

payment is procedural and not intentional. The petitioner has not fulfilled the terms and conditions of the executed agreement as he has not supplied the details of the technical staff employed by him.

Heard.

Admittedly, the work allotted to the petitioner was completed in the year 2013 and completion certificate (Annexure P-2) was issued by the competent authority certifying that the work had been executed according to PWD specification and that nothing remained due from the contractor. In view of the said certification, there was no reason to withhold the payment of the petitioner as narrated in para No.10 of the writ petition.

In view of the above, the instant petition is disposed of with a direction to the respondents to pay interest at the rate of 6.5% per annum from the date of issuance of completion certificate (Annexure P-2) till the date of actual payment(s) within a period of three months from today.

Disposed of.

24.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No