

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 782 of 2018

Date of decision : April 24, 2018

M/s Rajiv Kumar Aggarwal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. P. S. Rana, Advocate
for the petitioner.

Mr. H. S. Sitta, AAG., Punjab.

RAKESH KUMAR JAIN, J (oral).

The petitioner is a Government Contractor who has prayed for the issuance of a writ in the nature of mandamus for directing respondent No.3 to release his payment of final bill and also the security amount deposited at the time of award of the contract.

In the reply filed by the respondents, they have not denied the liability to make the payment and all that has been said is that the funds are not available as the same are not released by the Punjab Mandi Board.

In para 4 of the reply, it has been averred “that respondent No. 2 and 3 has also taken up the case with the Punjab Mandi Board, SAS Nagar, Mohali for immediate release of funds”.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances, I am of the considered opinion that the writ in the nature of Mandamus could be issued only when there is a right vested with the petitioner and corresponding duty is casted

on the respondents to discharge the right of the petitioner.

In the present case, the petitioner has proved his right of receiving the payment from the respondents and the respondents have also admitted their liability but the only excuse taken by the respondents is of non-availability of funds. I am not impressed with the reply filed by the respondents. Hence, the present petition is disposed of with a direction to the respondents to release the dues of the petitioner as early as possible but preferably within a period of three months from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

April 24, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No