

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

**CWP-17366-2016 (O&M)
Date of decision : 10.05.2019**

The Jamalpur Co-op L/C Society Jamalpur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Deepak Grover, Advocate,
for Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. Kanwardeep Singh Sodhi, Advocate,
for Mr. S.S. Narula, Advocate,
for respondent No.3.

JITENDRA CHAUHAN, J.

Prayer in the instant petition, *inter alia*, is for issuance of a direction to the respondents to release the payments of the petitioner for the contractual works executed by it.

The grouse of the petitioner is that the admitted liability towards the outstanding payments for the works executed is not being paid despite due acknowledgment and admission thereof.

Learned counsel for respondent No.3, though admits the liability, but states that the petitioner has not availed the alternate remedy of filing civil suit.

Heard.

The argument raised by learned counsel appearing on behalf of respondent No.3 that the petitioner has not availed alternate remedy, in the considered opinion of this Court, is unsustainable in the given context. The petitioner is a small cooperative society and has already executed the work to the satisfaction of respondent No.3 under various contracts, therefore, the latter is under obligation to make the payment.

In view of the above, the instant petition is allowed. The respondents are directed to release the contractual amounts to the petitioner within 45 days from today, failing which, the same shall carry interest at the rate of 7.5% per annum from the date of issuance of necessary certification of the work(s) executed.

10.05.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No