

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

**CWP-26210-2018(O&M)
Date of decision-24.01.2019**

M/s Yadav Builders

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Navdeep Chhabra, D.A.G., Punjab
for respondent Nos.1 & 5.

Mr. S.P.S. Tinna, Advocate
for respondent Nos.2, 3 & 6.

Mr. Himmat Singh, Advocate for
Mr. Tarun Vir Singh Lehal, Advocate
for respondent No.4 (PUDA).

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing the respondents to release payment of ₹61,32,165/- along with interest @ 12% per annum.

Learned counsel for the petitioner submits that considering the claim of the petitioner that the work was completed on 25.05.2017 which has gone uncontroverted and after admitting the claim of the petitioner, part payment in question has been released, however no interest has been paid upon the delayed payment.

Learned counsel for the petitioner further states that at this stage, he would be satisfied, if a direction is issued to respondent No.4-The

Chief Administrator, Punjab Urban Development Authority, PUDA Bhawan, Sector-62, S.A.S. Nagar Mohali, to consider and decide the legal notice dated 07.06.2018 (Annexure P-2) expeditiously.

In view of the above, without advertng to the merits of the case, the present petition is disposed of with a direction to respondent No.4- The Chief Administrator, Punjab Urban Development Authority, PUDA Bhawan, Sector-62, S.A.S. Nagar Mohali, to consider and decide the legal notice dated 07.06.2018 (Annexure P-2) within six weeks from the receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the request made by the petitioner is admissible to it, in such eventuality, the consequential relief be allowed to the petitioner, within a period of six weeks thereafter and the delayed payment shall carry interest @ 6 ½% from the date of completion of the work till payment. However, in case the competent authority feels that the request made by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

24.01.2019*ps-I***(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No