

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

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**CWP No.21118 of 2020
Decided on:09.12.2020**

Jarnail Singh

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present : Mr. Chirag Girdhar, Advocate for the petitioner.

Mr. Nikhil Chopra, Additional AG, Punjab.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking directions to the respondents to release the payment of Rs.9,75,086/- qua the work of annual repair of Bailey Bridge in Kiran Escape Udohwali Distributary in front of Gurudwara Nanaksar and Kullar village in District Gurdaspur, executed by the petitioner, along with interest @ 12% per annum.

It is the case of the petitioner that he had completed the three annual repair works from the year 2016. Detail of the work has been given in paragraph No.3 of the writ petition, amounting to the above said due payment. It is averred that measurements were made and there was no dispute regarding the execution of the works and the bills have been passed (Annexure P-2). It is submitted legal notice dated 02.11.2020 (Annexure P-3) has been served upon the respondents requesting to release the due payment but to no avail. It is thus submitted that the payment is liable to be

released.

Notice of motion.

Mr. Nikhil Chopra, Additional AG, Punjab, accepts notice on behalf of the State-respondents.

Keeping in view the facts that the decision making is still to be completed as the demand has only been raised on 02.11.2020 (Annexure P-3), the reply is not being called for from the respondents.

Counsel for the petitioner submitted that he would be satisfied if a time bound direction is given as such to the said respondents to decide the legal notice (Annexure P-3).

Without commenting on the merits of the case for the entitlement of the petitioner for payment, petition is disposed of with the directions to respondent No.5/competent authorities to take action on the legal notice dated 02.11.2020 (Annexure P-3). If the payment is due, the same be released to the petitioner within a period of two months from the date of the certified copy of the order. On account of the delay as such since the payment pertains to the year 2016-17 onwards, the said authority shall also consider grant of interest at the rate of 6% per annum from the date of its due. In case, there is any legal impediment that the annual repair work has not been completed to the satisfaction of the respondents, a reasoned order be passed and conveyed to the petitioner.

Accordingly, the present writ petition is disposed of with the above said observations.

(G.S. SANDHAWALIA)
JUDGE

09.12.2020

Parveen

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No