

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5322 of 2020 (O&M)

Date of Decision:10.02.2021

Sukhmander Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Ayush Sarna, AAG., Punjab.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This writ petition has been filed seeking release of payment of Rs.8,38,388/- due towards the petitioner after successful completion of the work of Re-modeling of Bikanar Canal from RD 270750-270950 and constructing Minor Crossing & D.R. Bridge at RD 270780/270895/271000 allotted to the petitioner.

It is submitted that out of the total amount of about Rs.88 lakhs, a sum of Rs.8,38,388/- is still due, but is not being released unnecessarily by the respondent-authorities without any justifiable cause.

As per short reply by way of affidavit dated 18.12.2020 of Sh. Rupinder Singh, Executive Engineer, Golewala, Drainage Division, Ferozepur, filed on behalf of respondents 1, 3 and 4, it is mentioned that only a sum of Rs.1,03,128/- is due towards the petitioner and that final bill shall be submitted before the District Treasury, Ferozepur for payment after receipt of required budget/funds.

Learned counsel for the petitioner while disputing the amount due towards the petitioner, however submits that even the admitted amount has not been released till date.

Even as per the respondents, an amount of Rs.1,03,128/- is still due towards the petitioner after completion of the allotted work on 25.01.2005. Respondents have not set-forth any justifiable or reasonable cause for this delay in release of payment due towards the petitioner. It is a settled position that paucity of funds cannot be a ground to withhold payment due to the petitioner. Gainful reference in this regard can be made to decision of the Division Bench of this Court in **Ram Karan Vs. Managing Director, Pepsu Road Transport Corporation and another, 2005 (3) PLR 580.**

Keeping in view the facts and circumstances of the case, this writ petition is disposed of with a direction to the respondents to release the said admitted amount within four weeks of receipt of certified copy of this order, with interest at the rate of 6% limited to 38 months prior to filing of this writ petition. Needless to say, the petitioner is at liberty to avail his remedy/remedies in accordance with law, in case of dispute regarding the amount in question. It is clarified that there is no expression of opinion on the merits of the matter *qua* the amount due.

10.02.2021

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.