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

**CWP No.22159 of 2021
Date of Decision:01.11.2021**

KULWINDER SINGH SEHMBEYPetitioner

Vs

STATE OF PUNJAB AND OTHERSRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this writ petition for issuance of appropriate writ, order or direction especially in the nature of mandamus directing the respondents to pay the due amount of Rs.39,30,292/- qua the works executed by the petitioner along with interest @ 12% per annum.

Grievance of the petitioner is that despite completion of work and expiry of defect liability period, payment has not been released to him. Work was allotted to the petitioner on 01.04.2016 and the same was completed by the petitioner in the year 2017-18. Defect liability period of the work executed by the petitioner already stood expired in the year 2018-19 but the

balance payment has not been released to the petitioner. Petitioner also seeks interest on the delayed payment. Petitioner is a Government contractor and has successfully completed the work assignment. In the context of dues of the petitioner, he has already made representations including a legal notice dated 27.09.2021 issued to the Executive Officer, Municipal Council, Nurmahal, District Jalandhar/respondent No.4.

Notice of motion.

On asking of the Court Mr. T.P.S Chawla, DAG, Punjab accepts notice on behalf of respondent No.1 to 3.

In view of nature of order which this Court proposes to pass, there is no necessity of serving respondent No.4 or calling upon response from the respondents as no order prejudicial to the interest of respondents is being passed.

Since the legal notice sent by the petitioner is pending before respondent No.4, therefore, this petition is disposed of with a direction to respondent No.4 to decide the legal notice (Annexure P-3) of the petitioner dated 27.09.2021 in accordance with law preferably within a period of one month from the date of receipt of certified copy of this order. If respondent No.4 comes to the conclusion that the petitioner firm is entitled for the amount in question then the same be paid

forthwith along with interest @ 6% per annum for the delayed payment from the date of amount became due within a time specified hereinabove.

01.11.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No