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

CWP No. 25691 of 2021

Date of Decision: 16.12.2021

M/s R.S. Labour & Transport Contractor

-Petitioner

Versus

Food Corporation of India and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Alok Mittal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing the official respondents to release the due amount to the petitioner towards the work done under the tender along with interest.

Learned counsel for the petitioner submits that on 20.11.2020, appointment letter was issued to the petitioner in respect of tender/enquiry dated 16.09.2020 pertaining to Road Transport Contract for lifting and transportation of wheat grain from RTC Julana to Narela, Julana to Ghevra and Julana to Mayapuri. During the course of the assignment, the petitioner came to know about certain discrepancies in displaying an additional load of 20 kgs to 60 kgs per truck as compared to the

scale at respective destination. Petitioner wrote numerous communications to respondent No.3, apprising the authority about the discrepancy. After oral checking, authorized checking was also done wherein factum of discrepancy was found to be a matter of fact. Scales were weighed and load on the higher side by 20-40 kgs was found. Despite all these things, dues of the petitioner have not been released for which the petitioner has already filed representation to the Depot Manager on 07.03.2021.

Notice of motion.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This petition is disposed of with a direction to respondent No.3 to take an appropriate decision on pending representation dated 07.03.2021 filed by the petitioner and decide the same 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.3 ultimately comes to the conclusion that the petitioner is entitled for the amount in question, the same be paid forthwith within a further period of one month. In

case, the amount in question is not paid within the aforesaid period of one month, thereafter, the petitioner shall be entitled to interest @ 6% per annum for the delayed payment thereafter till final realization of the amount.

16.12.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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