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

CWP No.37446 of 2019(O&M)

Date of Decision:02.12.2021

Vinod Kumar Doda @ Vinod Doda

.....Petitioner

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Priyanshu Kamra, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Divij Datt, Advocate for
Ms. Deepali Puri, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has filed the present writ petition for issuance of an appropriate writ/order or direction especially in the nature of mandamus, directing the respondents to release the payment of Rs.7,93,256/- qua the work done in repairing the roads of ward No.3, which was allotted to the petitioner in the year 2011 and for release of security of Rs.95,953/-, which was deposited by the petitioner at the time of commencement of the agreement.

Petitioner had already completed the work on

14.12.2011. The site was inspected and final account bill was passed on that day. Petitioner submitted his claim qua return of his security after successful completion of work on 20.09.2012 and thereafter, the petitioner made hectic efforts to get his amount released, but of no avail. On 10.04.2017, even the petitioner got issued legal notice in this context for disbursement of the amount along with interest, but the department did not pay any heed even at that time.

Notice of motion was issued on 20.12.2019 and in pursuance of the notice, respondent No.4 has filed a short reply.

Para No.3 of the reply reads as under:-

“3. That it is submitted that in respect of the work done by the petitioner, the payment of Rs.7,93,155/- as admissible has been released to the petitioner vide cheque No.000465 dated 26.07.2021 and the payment of release of security is also under process. The petitioner is not entitled for any interest whatsoever as there is no provision to the same under the contract.”

Evidently, respondent No.4 has acknowledged the due amount after completion of work while paying the same vide cheque dated 26.07.2021, but no interest has been paid for the delayed payment. Since the date of payment, even the security amount has not been released till date.

The conduct of respondent No.4 is deplorable. Respondent No.4 needs to be directed to pay 6% interest on the

amount of Rs.7,93,155/- from the date of completion of work till 26.07.2021. The security amount of Rs.95,593/- is directed to be paid forthwith along with interest till date. Respondent No.4 is directed to complete the exercise of paying the dues of the petitioner within one month from the date of receipt of certified copy of this order. Respondent No.4 is given liberty to fix the responsibility of erring officer/official and thereafter, may recover the amount of interest from the defaulting employee (if any) in accordance with law.

Disposed of.

02.12.2021

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No