

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

227

CWP-3674-2020
Date of Decision: 11.10.2022

M/S G.N.S CONSTRUCTIONS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to pay interest on account of delay in disbursement of the payment qua works executed by the petitioner.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to it from time to time and there had never been any complaint against the due and proper execution of the works. The bill regarding satisfactory execution of the work was duly approved by the competent Authority, however, the payment in that regard was not released. The petitioner approached the respondent authorities on a number of occasions for disbursement of the outstanding payment and even a representation was also submitted before the respondent Authority, but all in vain. Consequently, the petitioner was constrained to file a CWP-20542 of 2017, which was disposed of on 13.09.2017 with a direction to the respondents to decide the representation within a period of six weeks and in case any amount is found

payable, then to release the same in favour of the petitioner. The said order, however, was not complied with by the respondents compelling the petitioner to file COCP No.3155 of 2017. However, during the pendency of the said COCP No.3155 of 2017, the respondents had released the amount in favour of the petitioner and consequently, the said COCP was dismissed as withdrawn on 17.11.2017. It is, however, contended that there was a huge delay in making the said payment and as such, the petitioner is also entitled to interest w.e.f. the date of entry of the bills till the date of payment i.e. 16.11.2017. The present petitioner thus seeks the release of interest on account of delay in disbursement of the due payment.

Learned counsel for the petitioner, however, fairly submits that the petitioner is willing to withdraw the present petition enabling him to avail alternative efficacious remedy of approaching the Civil Court for seeking the aforesaid relief since various judgments of the High Court have held the petitioners (in the concerned petitions) to be entitled for interest in the cases where there is an inexplicable delay in release of the due payment. The petitioner also seeks liberty to raise all such pleas before the Civil Court and/or any other competent Forum/Authority in appropriate proceedings and at appropriate stage.

The aforesaid prayer is not opposed by the learned counsel for the respondents.

Accordingly, without commenting anything on the merits of the each case, the present petitions are disposed of as withdrawn with the liberty as aforesaid.

11.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

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