

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

109

CWP-4496-2020
Date of Decision: 29.09.2022

M/S P.K. VERMA AND COMPANY

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. B.S. Jaiswal, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 and 2.

Mr. Saurav Verma, Addl. A.G., Punjab
for respondents No.3 to 5.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India 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 legal

notice was also got served upon the respondent authority, but all in vain. Consequently, the petitioner was constrained to file a CWP-4978 of 2017, which was disposed of on 10.03.2017 with a direction to the respondents to decide the legal notice within a period of two 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.1798 of 2018. In the said COCP, the respondent No.4 did not appear for number of dates and ultimately he filed a reply which stated that speaking order was passed on 28.04.2017. However, the claim qua payment of interest on delayed payment has not been considered by the respondents. 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 submit that the petitioner is willing to withdraw the present petition to enable him to avail alternative efficacious remedy of approaching the Civil Court for seeking the aforesaid relief since various judgments of the High Court have already 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.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 and 2.

Mr. Saurav Verma, Addl. A.G. Punjab, by virtue of his assignment is also on the panel of all the statutory corporations and bodies of

the Government of Punjab, is directed to and accepts notice on behalf of respondents No.3 to 5.

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

Accordingly, without commenting anything on the merits of the case, the present petition is disposed of as withdrawn with the liberty as aforesaid.

SEPTEMBER 29, 2022
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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