

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

**Date of Decision: 27.09.2022
CWP-5722-2019**

214-1

M/S YORK BUILDERS PVT LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

214-2

CWP-23935-2019

M/S BIRBAL KUMAR SINGLA, GOVT. CONTRACTOR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

214-3

CWP-5729-2019

M/S S.F CONSTRUCTIONS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

214-4

CWP-23986-2019

TARSEM KUMAR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

214-5

CWP-24026-2019

M/S GURJEET SINGH CONTRACTOR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

214-6

CWP-24008-2019

M/S DHARAMPAL CONTRACTOR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

214-7

CWP-23992-2019

M/S SANJEEV KUMAR GOYAL CONTRACTOR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

214-8

CWP-23958-2019

M/S SANJEEV KUMAR GOYAL CONTRACTOR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner(s).

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. Parambir Singh, Advocate
for respondents No.2 to 5 in CWP-5729-2019.

Mr. Tarun Seth, Advocate for
Mr. Sumit Jain, Advocate
for respondents No.3 to 5 in CWP-24008-2019 &
for respondents No.2, 4 and 5 in CWP-24026-2019.

Ms. Deepika Bansal, Advocate for
Mr. Sumit Jain, Advocate
for respondents No.3, 4 and 6 in CWP-23992-2019.

Mr. Subhash Chand, Advocate for
Mr. Vaibhav Narang, Advocate
for respondent No.3 in CWP-24026-2019.

None for remaining respondents.

VINOD S. BHARDWAJ, J. (ORAL)

This order of mine shall dispose of the aforesaid bunch of eight petitions wherein a common question arises for determination. Learned counsel for the respective parties appearing before the Court today do not dispute the passing of common order.

For the facility of reference, the facts are being taken from CWP-5722 of 2019.

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 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-24245 of 2017, which was disposed of on 26.10.2017 with a direction to the respondents to decide the legal notice within a period of three 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.3447 of 2017. The said COCP was disposed of on 06.12.2017 with direction to the respondents to take steps to purge the contempt at the earliest. Consequently, the respondents decided the legal notice served by the petitioner, however, the claim qua payment of interest on delayed payment has not been considered in the speaking order so passed by the respondent authorities while deciding the legal notice. The present petitioner thus seeks the release of interest on account of delay in disbursement of the due payment.

Learned counsel for the petitioner(s), however, fairly submit that the petitioner(s) are willing to withdraw the present petitions enabling them 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(s) also seek 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.

27.09.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*