

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

114

CWP-5854-2020

Date of Decision:17.10.2022

M/s G.N.S. Constructions (1)

.....Petitioner

Versus

The Punjab Mandi Board and others

.....Respondents

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

**Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioner.**

**Mr. Parambir Singh, Advocate,
for respondent Nos.1, 2 and 4.**

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India is for 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 petition i.e. CWP-22353 of 2017, which was disposed of vide order dated 21.11.2017 with a direction to the respondents to decide the representation 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.3397 of 2017 which was disposed of vide order dated 06.12.2017 with a direction to the respondents to comply with the order within a period of six weeks and in case of non-compliance, this Court had observed that apart from initiating contempt proceedings, punitive costs shall be recovered from the responsible officers for delay/non-compliance. In spite of directions given in the contempt petition, due payment was not released to the petitioner and as such, the petitioner has again moved an application bearing No.CM-2211-CII-2018 seeking revival of the contempt petition. He contends that notice was issued in the aforesaid application and in the meantime, due payment has been released to the petitioner but no interest on the delayed payment has been given. 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. 03.05.2017. 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 respondent Nos.1, 2 and 4.

Accordingly, without commenting anything on the merits of the case, the present petition is disposed of as withdrawn with the liberty as aforesaid.

October 17, 2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No