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

CWP No. 6894 of 2022
Date of Decision: 02.04.2022

M/s Jaswant Rai Verma

-Petitioner

Versus

The State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. Girdhar, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing the respondents to release balance payment of Rs.36,31,016/- along with interest qua the work done by the petitioner.

Petitioner is a government contractor and has executed various work assignments assigned to it by the respondents from time to time. The work of periodical repair of NH-21 to Gurdwara Pariwar Vichorra Sahib District Rupnagar was allocated to the petitioner on 22.02.2021. Petitioner has successfully completed the work assignment to the satisfaction of the competent authority on 15.07.2021. Thereafter, petitioner submitted its third and final bill in the month of July, 2021. The

execution of work was duly recorded in the measurement books of the department. Payment towards third and final bill was not released. Liability towards balance payment is an admitted fact which can be seen from action taken by respondent No.6 by raising demand of funds.

After serving representations including legal notice for the release of aforesaid amount, petitioner ventured to file CWP No.25658 of 2021 and the same was disposed of vide order dated 16.12.2021 thereby directing respondent No.6 to take an appropriate decision on the pending legal notice dated 12.11.2021.

It was also directed that if the entitlement of the petitioner is established, then the pending dues be paid forthwith in accordance with law. If the amount is not paid within the said period, then the petitioner was held entitled to interest @ 6% per annum for the delayed payment till final realization of the amount.

In compliance of the said order, respondent No.6 has passed an order dated 27.01.2022 thereby pointing out that petitioner has not submitted the final bills till date as per agreement/general condition of contract Clause No.39. The Authority has pointed out that necessary action would be taken by the office after receiving the final bill from the petitioner and

after due verification of the same, the amount in question will be released.

Learned counsel submits that even thereafter the petitioner has already submitted third and final bill and has also served representation on 28.01.2022. Seeing the inaction on the part of the respondents, petitioner again served representation on 25.02.2022. Till date, needful has not been done.

Notice of motion.

On the asking of the Court, Mr. C.L. Pawar, Sr. D.A.G., Punjab accepts notice on behalf of the respondents and submits that if the third and final bills are found to be in order, then the needful in the context of releasing the payment shall be done forthwith within a period of one month.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon any response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This writ petition is disposed of with a direction to respondent No.6 to take note of representation dated 25.02.2022 got issued by the petitioner and pass appropriate order in accordance with law, preferably within a period of one month from the date of receipt of certified copy of this order.

Any delay in disbursing the payment shall result in imposition of interest @ 9% per annum for the delayed payment from the date of accrual till final realization of the same.

02.04.2022

Jyoti Sharma

(RAJ MOHAN SINGH)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No