

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

235

CWP-8906-2021
Date of Decision: 13.09.2022

**THE TANKAN WALI COOPERATIVE LABOUR AND
CONSTRUCTION SOCIETY LTD**

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

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

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

Mr. A.S. Virk, Advocate
for respondent No.6.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents to make the due payment of Rs.40,15,403/- including security qua the works of Extension/Replacement of Distribution Pipeline in various villages of District Fazilka executed by the petitioner alongwith interest @ 12% per annum.

Learned counsel representing respondent No.6 contends that the entire payment due to the petitioner has already been released in favour of the petitioner.

Further a short reply by way of affidavit of Shaminder Singh,

Executive Engineer, Water Supply & Sanitation Division, Fazilka has also

been filed today in Court. The relevant extract of the same is reproduced herein after below:

“3. That in this regard, while admitting that petitioner having executed the impugned works, it is most respectfully submitted that petitioner was entitled for payment of Rs.24,48,553/- and not for Rs.40,15,403 as claimed by petitioner society. The entitled amount has been paid to the petitioner after deducting of tax amount as per details given below:

<i>Name of village</i>	<i>Total amount</i>	<i>Tax</i>	<i>By cheque</i>
<i>JAND WALA BHIME SHAH</i>	<i>562438</i>	<i>50619</i>	<i>511819</i>
<i>NUKERIAN</i>	<i>15260</i>	<i>1374</i>	<i>13886</i>
<i>CHAK PAKHI</i>	<i>26004</i>	<i>520</i>	<i>25484</i>
<i>BAHMANI WALA</i>	<i>1010187</i>	<i>30606</i>	<i>979581</i>
<i>RATTA KHERA</i>	<i>727023</i>	<i>21810</i>	<i>705213</i>
<i>CHAK PALI WALA</i>	<i>17374</i>	<i>348</i>	<i>17026</i>
<i>MEENIYAN WALI</i>	<i>4623</i>	<i>92</i>	<i>4531</i>
<i>Security</i>	<i>85644</i>	<i>-</i>	<i>85644</i>
<i>Total</i>	<i>2448553</i>	<i>105369</i>	<i>2343184</i>

It is submitted that there is nothing pending against department of Water Supply & Sanitation Division Fazilka as due payments of Tankan Wali Cooperative Labour & Constructions Society Ltd. already have been paid.”

Learned counsel for the respondent-concerned department contends that only an amount of Rs.24,48,553/- was found payable to the petitioner against the claimed amount of Rs.40,15,203/- and the said amount has already been paid to the petitioner.

In view of aforesaid submissions advanced by the learned counsel for the petitioner does not press the instant petition.

Accordingly, the present petition stands dismissed as not pressed at this stage.

The petitioner shall, however, be at liberty to take recourse to the alternative remedies available to him in the event any other claim of the petitioner still survives.

13.09.2022
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(VINOD S. BHARDWAJ)
JUDGE

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