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

CWP No.12132 of 2021(O&M)
Date of Decision: 07.05.2022

Karam Singh

-Petitioner

Vs

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Ms. Jasleen Kaur, AAG, Punjab.

Mr. Vikram Preet Arora, Advocate
for respondent No.3.

RAJ MOHAN SINGH, J. (ORAL)

This petition has been preferred for the issuance of an writ in the nature of mandamus, directing the respondents to make good the payment of amount of Rs.40,69.919/- including the security qua certain work assignments done by the petitioner.

Petitioner is a Government contractor and has executed various work assignments assigned to him from time to time. The works of providing interlocking tiles in various sites of the city were allocated to the petitioner vide different allotment letters commencing from 28.11.2016. Petitioner has successfully completed the work assignment to the satisfaction

of the competent authority. Even defect liability period of these works has already expired in the year 2018, but the balance payments of bills and security amount have not been released to the petitioner. Bills have been duly passed as per vouchers issued for refund of security, but needful in the said context has not been done despite number of representations made by the petitioner.

In reply to the legal notice filed by the Executive Officer, Municipal Council, delayed payment has been acknowledged and it has been informed that the payment shall be released to the petitioner at the earliest on availability of funds. An amount of Rs.10 lacs had already been released by the respondent Municipal Corporation in favour of the petitioner on 13.10.2021.

On 02.11.2021, learned counsel for respondent No.3 sought a very short adjournment in order to have further instructions

Today, learned counsel for the petitioner submits that an amount of Rs.26 lacs has also been released in favour of the petitioner during pendency of the writ petition and now the balance amount is to the tune of Rs.14,69,919/-.

Learned counsel for respondent No.3 submits that the balance payment shall be paid by respondent No.3 within a

period of one month.

The issue with regard to interest is being raked up by learned counsel for the petitioner on the strength of order dated 21.04.2022 passed by this Court in **CWP No.29726 of 2019** titled **M/s Dharminder Kumar, Engineer and Contractors Vs. State of Punjab and others** and **Civil Appeal No.2610 of 2019** titled **M/s Surya Construtions Vs. State of Uttar Pradesh and others** decided by the Hon'ble Apex Court on 08.03.2019.

Having considered the submissions made by the learned counsel for the parties, I deem it appropriate to dispose of this writ petition by directing the respondents to assess interest on the delayed payment with effect from due date for which learned counsel for the petitioner undertakes to supply the necessary calculations before respondent No.3. On receipt of calculations and after reconciling the entries, if respondent No.3 is satisfied with the computation of amount towards interest, then needful shall be done by respondent No.3 within one month thereafter.

07.05.2022
Prince

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No