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

**CWP-12151-2021 (O&M)
Date of Decision:-03.02.2022**

The Nav Bharat Co-operative Labour & Construction Society Ltd.
...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.

Ms. Jasleen Kaur, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus, directing the respondents to release the balance payment of Rs.6,70,000/- qua the work done by the petitioner.

On 30.06.2017, work of providing internal water supply, estate sewerage, fire fighting in ground floor and first floor

of Administrative Block, Science Block and Arts block in Government College, Sujampur, District Pathankot was allocated to the petitioner. The petitioner completed the work assignment within the time prescribed, but the payment to the tune of Rs.12,19,500/- was not released to the petitioner. Petitioner filed a civil writ petition i.e. CWP No.26823 of 2018, which was disposed of vide order dated 17.10.2018 with a direction to the competent authority to decide the representation of the petitioner and in case, the petitioner is found entitled then the payment be released to the petitioner.

The said order was not complied with and the petitioner had to file a contempt petition i.e. COCP No.9920 of 2018. During pendency of that contempt petition, gross amount of Rs.5,00,000/- (net amount of Rs.3,90,242/-) was released to the petitioner. Respondent No.5 rejected the claim of the petitioner vide order dated 02.01.2019 with regard to the balance payment by alleging that the work was not complete and even bills were not submitted by the petitioner. Thereafter, the petitioner filed number of representations in respect of balance payment, but the needful was not done.

Notice of motion was issued on 08.07.2021 and thereafter, vide order dated 24.08.2021, it was ordered that the admitted payment, if any, be released to the petitioner before the

next date of hearing and the case was adjourned.

On 21.12.2021, last opportunity was granted to the State to file reply, failing which the case was to be decided on its own merits. It was also observed that the admitted payment, if any, shall be released before the adjourned date. In the event of failure to do so, the State shall furnish an explanation for not doing the same in compliance of order dated 24.08.2021.

Learned State counsel submits that in compliance of aforesaid order, the balance amount of Rs.6,70,000/- has been paid to the petitioner. This fact has been admitted by learned counsel for the petitioner, however, he submits that the petitioner has been harassed since December, 2017. Petitioner had to approach the High Court by filing two writ petitions and a contempt petition. Once the amount was admitted, the same was required to be paid within a reasonable time. Unnecessary delay of about 4 years has occasioned due to inaction on behalf of the respondents.

Having considered the submissions made by learned counsel for the parties, I deem it appropriate to grant interest @ 6% towards the delayed payment from the date of filing of first writ petition i.e. CWP No.26823 of 2018 (15.10.2018) till realization of the amount i.e. 23.12.2021.

The writ petition is accordingly disposed of.

The needful shall be done within one month from the date of receipt of certified copy of this order.

03.02.2022
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(Raj Mohan Singh)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No