

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

221

CWP-12304-2019

Date of Decision: 29.11.2022

MAHESH KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Devender Singh, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Jagdish Manchanda, Advocate and
Mr. Nishchal Chetanya, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to pay interest @ 18% per annum on the late/delayed payment of Rs.42,78,054/- in lieu of development work executed by the petitioner.

Learned counsel for the petitioner contends that in the year 2004-05, the respondent No.4 allotted many development works to the petitioner being contractor and as such he had carried out all those development works sanctioned by the official respondents. The completion of the works was checked/inspected by the Department and the same was found fit for making payment of Rs.76,08,500/-. However, the said payment was not made to the

petitioner despite repeated requests made by the petitioner. Finally, the petitioner approached this Court by way of filing CWP-126 of 2009, which was disposed of vide order dated 08.01.2009 (Annexure P-2), whereby the respondent No.3 was directed to settle the claim of the petitioner within three months after receipt of certified copy of the order dated 08.01.2009. Despite the order dated 08.01.2009 passed by this Court, the respondents did not make the payment. Hence, the petitioner filed a COCP No.1078 of 2009 against the respondents seeking compliance of order dated 08.01.2009 (Annexure P-2). The said COCP was disposed of vide order dated 27.10.2009 (Annexure P-3) on the undertaking given by the Executive Officer that the payment shall be made to the petitioner within six weeks. Consequent thereupon, the respondents released the payment of Rs.42,78,054/- to the petitioner without interest. The petitioner made several requests to the respondents to make the payment of interest on delayed payment but all in vain. At last, the petitioner served a legal notice dated 01.02.2018 through registered post dated 19.02.2018, however, the respondents have not taken any action thereupon till date. The present petitioner, thus, seeks the release of interest on account of delayed 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 the respondents.

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

29.11.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No