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

CWP No.28731 of 2017(O&M)

Date of Decision: 25.03.2022

Entrepreneurship Training & Rural Development Initiatives

.....Petitioner

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Dinesh Kumar, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

(Proceedings through Video Conferencing)

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus, directing the respondents to release the amount of Rs.10,70,170/- (Rs.10,45,170/- outstanding amount and Rs.25,000/- earnest money) along with interest.

Learned counsel for the petitioner submits that vide memo No.5086 dated 18.03.2012 office of Additional Deputy Commissioner-cum-Additional District Programme Coordinator (MGNREGA), Gurdaspur wrote to the Executive Director to prepare the final copies of District Prospective Plan. Prospective

Plan prepared by the Executive Director was checked by the BDPO concerned and the same was found to be correct. Final copies of the District Prospective Plans were to be prepared by the Executive Director as per terms and conditions as laid down in the order before 30.03.2012. Thereafter, vide letter dated 14.04.2012, the Executive Director wrote to the Additional Deputy Commissioner in the context of submitting final report of Districts Gurdaspur and Pathankot. Request was made to release the payment of Rs.10,45,170/- in favour of the petitioner for undertaking the aforesaid project. Petitioner has also obtained RTI information in respect of other Districts, where the payments were timely released except the Districts in which the payment of the petitioner was withhold. On 09.05.2011, public notice was issued by the Deputy Commissioner-cum-District Programme Coordinator (MGNREGA), Gurdaspur, inviting sealed tenders for preparing the District Prospective Plans (5 years) under MGNREGA. Petitioner being successful in tender proceedings was allotted the work assignment on 31.05.2011, on certain terms and conditions. Petitioner had successfully completed the work assignment within the time prescribed and thereafter, the aforesaid amount along with earnest money was retained by the Department.

Petitioner filed the present writ petition in the month of

December, 2017. During pendency of the present writ petition and as per reply filed by way of affidavit of Additional Deputy Commissioner-cum- Additional District Programme Coordinator (MGNREGA), Gurdaspur on behalf of respondents No.1 to 5, payment of Rs.10,70,170/- has been released in favour of the petitioner vide cheque No.536002 dated 28.08.2018.

Learned counsel for the petitioner admits the aforesaid fact that he has received the aforesaid payment, but his claim is that the aforesaid amount was kept pending since 18.03.2012 without any rhyme and reasons despite admitting the said payment to be due to the petitioner. For the delayed payment, the petitioner seeks indulgence of this Court for grant of adequate interest from the date on which this amount became due till the date of payment i.e. 28.08.2018.

Having heard learned counsel for the parties, I find that there is no justifiable reasons to withhold the amount of Rs.10,70,170/- from 18.03.2012 onwards till the date of payment i.e. 28.08.2018. For the delay in question, respondent No.4 is liable to pay interest @ 6% from the date i.e. 18.03.2012 to 28.08.2018. Let the needful be done within a period of two months from the date of receipt of certified copy of this order. Further delay in disbursement of the amount towards interest would attract rate of interest @ 12% per annum till final

realisation of the amount.

Disposed of.

25.03.2022

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No