

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

242

**CWP-26904-2019 (O&M).
Date of Decision: 15.11.2022.**

M/s Pawandeep Singh and Co.

...Petitioner

Versus

The State of Punjab and others

...Respondents

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

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

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ. J (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs.1,08,26,611/- including security qua the works of rehabilitation of various distributaries along with interest @ 18% per annum.

Learned counsel appearing on behalf of the petitioner contends that the respondents have wrongly withheld the payment of Rs.1,08,26,611/- approximately for no tangible reasons and despite the satisfactory execution

of the work. He further contends that the payment in question has been released in the interregnum, however, no interest has been granted despite such delay.

Per contra, the respondents have filed their reply wherein they have disputed the satisfactory execution of the work by the petitioner. It is also submitted that due to lackadaisical execution of the work by the petitioner, there was much delay and the completion went beyond the prescribed timeline. Resultantly, the delay in release of the payment was attributable to the petitioner.

Be that as it may, taking into consideration the fact that the principal amount has already been released, the question of entitlement of the interest would be a mixed question of law and fact and the same cannot be examined at this stage by the High Court in the writ jurisdiction. The petitioner may, if so advised, take recourse to the alternative remedies available to him in accordance with law for seeking disbursement of the interest on the delayed payments.

The petition is disposed of with liberties as aforesaid.

November 15, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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