

206

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

**CWP No.29726 of 2019(O&M)
Date of Decision: 21.04.2022**

**M/s Dharminder Kumar, Engineer and Contractors
.....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. Akansha, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this writ petition for the issuance of a writ in the nature of mandamus, directing the respondents to pay interest on the delayed payment of principal amount.

Petitioner is a Government contractor and had executed various work assignments allocated to it from time to time. Thee works of annual maintenance of various work supply schemes in District Fatehgarh Sahib were allocated to the petitioner. Those work assignments were completed by the

petitioner. Owing to the in-action on behalf of the respondents in making good the principal amount, the complainant had served the respondents with legal notice and thereafter, filed CWP No.5629 of 2019 in the High Court. The said writ petition was disposed of vide order dated 01.03.2019 with a direction to the respondent-Department to decide the legal notice and in case, the petitioner is found entitled, the payment be released to it. The said order was not complied with, resulting in filing of COCP No.2082 of 2019. It was only thereafter the principal amount was released in favour of the petitioner. At the time of disposal of the contempt petition, liberty was granted to the petitioner to claim interest on the delayed payment in accordance with law. That is how, the present writ petition came to be filed for the interest component on the delayed payment of principal amount.

Petitioner has tabulated details of various work assignments at serial Nos.1 to 50, payment of bills with reference to dates and delayed period in making the payment with calculation of the amount towards interest.

Perusal of the reply on behalf of respondents No.1 to 4 would show that there is no specific denial to the tabulated information except to harp upon the decision on the legal notice by way of speaking order.

I find reply to be evasive enough to be ignored on the

aspect of interest on the delayed payment.

Admittedly, the principal amount has been paid. There is a delay in making the payment of principal amount towards the work assignments.

In view of above, this writ petition is disposed of by directing the respondents to assess interest @ 6% per annum on the delayed payment towards all the work assignments tabulated in para No.4 of the writ petition and on assessment, the same be paid to the petitioner after due notice. Let the needful be done within a period of 2 months from the date of receipt of certified copy of this order.

Disposed of.

21.04.2022

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No