

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

220

CWP-34532-2019

Date of decision: 07.09.2022

**THE BALMIKI COOPERATIVE LABOUR AND CONSTRUCTION
SOCIETY LTD.**

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed invoking the writ jurisdiction of this Court for issuance of writ in the nature of Mandamus directing the respondents to release the final bill and security amount and all other payments arising out of execution of work to the petitioner.

2. Learned counsel appearing on behalf of the petitioner contends that pursuant to the notice inviting tender regarding the work namely "Footpath of Nagar Panchayat, Khem Karan", the petitioner society had participated in the same and was allotted the work in question. The execution of the work was carried out successively and without any deficiency. He contends that despite completion of the

work and submission of final bill, the payment in question had not been released due to which representation as well as legal notice dated 04.10.2019 was served upon the respondents.

3. It was on the failure of the respondents to respond to the said legal notice and to remit the payment, that the present writ petition has been filed.

4. Pursuant to the notice having been issued, short reply by way of affidavit of Dr. Rajat Oberoi, PCS, Deputy Director, Urban Local Bodies, Amritsar on behalf of respondent Nos. 1 to 3 had been filed. The relevant part of the aforesaid affidavit dated 02.03.2020 reads thus:

“That in the present writ petition the respondent No.1 to 3 are proforma respondents and has been arrayed as a party only for technical purpose. The answering deponent has already directed the respondent No.4 to make the payment as per law vide memo No. DDLG/361 dated 10.01.2020 (Copy attached as annexure R-1).”

5. Learned counsel appearing on behalf of the petitioner contends that he has no instructions about the fact as to whether payment has been released to the petitioner society consequent to the order passed by the respondent-authorities. There is no representation on behalf of respondent No.4 despite service.

6. Taking into consideration that directions have already been issued by the State to the respondent No.4 on 10.01.2020, the present petition is being disposed off by observing that, in the event that the payment pursuant to the order dated 10.01.2020 has not been released so far, the same be released expeditiously and preferably within a period of 03 months of the receipt of certified copy of this order. It is

made clear that in the event the said payment is not released in the period as aforesaid, the petitioner shall be entitled to interest @ 6 % per annum from the date of the petition till its disbursement.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 07, 2022

Vishal sharma

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