

**206-e IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-35356-2019

Date of decision : April 21, 2022

M/s Khalsa Construction Co. Petitioner

Versus

The Punjab Mandi Board and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. R.K. Girdhar, Advocate for the petitioner.

Ms. Akanksha, AAG, Punjab
for respondent nos.1 to 3.

Mr. Parambir Singh, Advocate for respondent no.

RAJ MOHAN SINGH J. (ORAL)

Petitioner has filed this writ petition for the issuance of a writ in the nature of mandamus, directing the respondents to make payment of interest on the delayed payment of work of up-gradation of L/R MDR 46 Mehmuana to SH-15 Golewala under PMGSY-II (Batch-12015-16) District Faridkot Package No.PB-03-030 executed by the petitioner.

Learned counsel for the petitioner submits that the petitioner does not press interest qua first and second running bills as the delay was only nominal to the extent of 1 month 20 days and three months respectively. However, the petitioner presses for interest on the delayed payment towards third, fourth and fifth running bills.

In the aforesaid running bills, the bills were passed and entered on 13.01.2017, 18.01.2017 and 13.03.2017 respectively whereas payments were released on 13.02.2018

only with a delay of one year one month, one year 25 days and 11 months respectively.

Learned counsel for respondent nos.1 and 3 submits that the respondents are only executing authority and payment is to be released by respondent no.2. Though the stand taken by the respondent nos.1 and 3 is that there was a delay in execution of work for which even extension was granted to the petitioner. Since extension was granted and the work was satisfactorily executed, therefore, on the issuance and passing of the bills, the respondents were supposed to make payments of dues to the petitioner, failing which the petitioner is entitled to the interest @ 6% per annum for the delayed payment.

This writ petition is disposed of with a direction to respondent no.2 to pay interest @ 6% per annum for the delayed payment in respect of third to fifth bills in accordance with law.

Let the needful be done within two months from the date of receipt of certified copy of this order.

(RAJ MOHAN SINGH)
JUDGE

April 21, 2022

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Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No