

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

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**CWP-9356-2023 (O&M).
Date of Decision: 12.09.2023.**

**THE BARGARI CO-OP L & C SOCIETY LTD. BARGARI,
DISTRICT FARIDKOT.**

... Petitioner

Versus

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Simranjit Singh, Advocate, for
Mr. Tajinder Pal Singh Makkar, Advocate,
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Puneet Gupta, Advocate and
Mr. Ravindra Singh, Advocate,
for respondent No.2

Mr. Tushant Deep Garg, Advocate,
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing the respondents to make the payment of Rs.8,43,462/- (which includes security amount of Rs.5,98,228/- deducted from the petitioner) on account of works executed by the petitioner along with interest @ 12% per annum.

Short reply on behalf of respondent No.2 filed today in the Court is taken on record. A copy thereof has been furnished to the learned counsel for the petitioner.

As per the reply filed on behalf of respondent No.2 as per which the petitioner was allotted two works and the same were completed by him on 18.03.2021 and 25.02.2021 respectively. Prior to the filing of the present petition, an amount of Rs.49,78,258/- had been paid to the petitioner in respect of the bills submitted by him regarding both the works and the balance amount was Rs.6,92,613/- including the security amount of Rs.5,65,327/- has already been released in favour of the petitioner vide Cheque No.000043 dated 21.08.2023 drawn on HDFC Bank.

It is contended that the delay in disbursement of the aforesaid amount occurred as a result of a Technical Audit of the aforesaid work having not been conducted by the 3rd party i.e. the WAPCOS and the Chief Engineer, Chandigarh was not conducted timely and the same was done only on 16.02.2023. It is thus contended that no cause of action survives any further in the present petition.

In view of the aforesaid factual aspect as recorded in the written statement filed on behalf of respondent No.2 today in the Court, learned counsel for the petitioner does not press the instant application at this stage.

Disposed of as not pressed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

September 12, 2023.
raj arora

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