

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

225

CWP-11865-2022 (O&M).
Date of Decision: 21.07.2023.

Amarjit Singh, Govt. Contractor, now M/s ASC Builders Private Limited.

.. Petitioner

Versus

The State of Punjab and others

... Respondents

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

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

Ms. Niharika Sharma, AAG, Punjab,
for respondents No.1 and 2.

Mr. Tarunvir Singh Lehal, Advocate,
for respondents No.3 and 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been instituted under Articles 226/227 of the Constitution of India, 1950 for seeking issuance of a writ in the nature of Mandamus directing the respondents to pay interest on account of delay in disbursement of the payment qua works executed by the petitioner.

The matter relates to payment of interest on delayed payment qua the works executed by the petitioner.

Notice of motion was issued in this case on 30.05.2022 in pursuance whereof the respondents No.3 and 4 have filed reply today in the

Court which is taken on record. A copy of the reply has been furnished to the learned counsel for the petitioner. It has been stated in the reply that there were numerous complaints against the quality of construction and the local Government had issued charge sheet dated 06.07.2017 and due to pendency of the inquiry against the petitioner, the security amount was not released to the petitioner and after completion of the inquiry, the security amount was released on 08.03.2022 and there was no fault on the part of the respondents.

Learned counsel for the petitioner, however, fairly submits that the petitioner is willing to withdraw the present petition enabling him to avail alternative efficacious remedy of approaching the Civil Court for seeking the aforesaid relief since various judgments of the High Court have held the petitioners (in the concerned petitions) to be entitled for interest in the cases where there is an inexplicable delay in release of the due payment. The petitioner also seeks liberty to raise all such pleas before the Civil Court and/or any other competent Forum/Authority in appropriate proceedings and at appropriate stage.

The aforesaid prayer is not opposed by the learned counsel for the respondents.

Accordingly, without commenting anything on the merits of the case, the present petition is disposed of as withdrawn with the liberty as aforesaid.

Petition stands disposed of accordingly.

July 21, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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