

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

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**CWP-13268-2021 (O&M).
Date of Decision: 01.02.2023.**

Ashok Kumar Goyal

. Petitioner

Versus

The State of Punjab and others

... Respondents

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

Present: Ms. Shivani Khareedi, Advocate, for
Mr. Chirag Girdhar, Advocate,
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of directions to the respondents to release the payment of bills amounting Rs.2,75,786/- qua the various Water Supply Schemes/works executed by the petitioner.

It has been averred in the petition that various works as detailed in paragraph No.2 of the present petition have been executed by the petitioner to the complete satisfaction of the respondents. The defect liability period also expired in the year 2018. The bills submitted by the petitioner were duly passed however the payment in question was not released. Accordingly, representation dated 31.10.2020 (Annexure P-3) was sent to the respondents for seeking release of the due payment. When the needful was not done, a legal notice was also served upon the respondents. CWP No.21386 of 2020 was thereafter filed before this Court for seeking issuance of directions to the respondents to release due payment along with interest. The said writ petition was disposed of vide order dated 11.12.2020

with a direction to respondent No.4 to decide the legal notice dated 31.10.2020 (Annexure P-3) by passing a speaking order.

In compliance to the above said directions given by this Court, respondent No.4 passed a speaking order on 17.03.2021 (Annexure P-5) admitting the amount to be payable to the petitioner and that the funds had been requisitioned from the higher authorities. It was also stated that the payment shall be released within a period of two months after seeking requisition thereof. However, despite expiry of the said period, the payment was not made whereupon a subsequent representation was submitted on 31.05.2021 (Annexure P-6). Resultantly, the present petition has been filed.

Written statement on behalf of respondents No.1 to 4 had been filed as per which the payment in question stands released in favour of the petitioner on 01.09.2021 without any protest. It is thus averred that the grievance of the petitioner stands redressed.

Taking into consideration the fact that the principal amount already stands released and the grievance, if any, of the petitioner is only with respect to the interest for delayed payment. The said issue is not required to be gone into by this Court at this stage. The present petition is accordingly disposed of with liberty to the petitioner to take recourse to an appropriate proceeding for seeking interest on the delayed payment, if so advised.

Petition stands disposed of accordingly.

February 01, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No