

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

230-1

CWP-15569-2019

M/S WELKIN INDIA INCORPORATE

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

230-2

CWP-15709-2019

M/S SUKHMANI MEGA STRUCTURES PVT. LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

230-3

CWP-15790-2019

THE NANGAL KHURD CO-OP. L AND C SOCIETY LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

230-4

CWP-23878-2021

M/S SVA CONSTRUCTIONS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

230-5

CWP-27047-2021

M/S B.S. BUILDERS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

<i>CWP-15569-2019 + 12 connected cases</i>	<i>-2-</i>	<i>2023:PHHC:059598</i>
230-6 & 9		CWP-6778-2019 & CWP-6786-2019
M/S OBEROI CONSTRUCTION CORPORATION		... Petitioner
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
230-7 & 10		CWP-6782-2019 & CWP-9081-2019
M/S YORK BUILDERS PVT. LTD.		... Petitioner
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
230-8		CWP-6783-2019
M/S S.F. CONSTRUCTIONS		... Petitioner
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
230-11		CWP-9114-2019
RAJINDER SINGH CONTRACTOR		... Petitioner
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
230-12		CWP-9144-2019
M/S G.K. CONSTRUCTIONS		... Petitioner
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents

230-13

CWP-9409-2019

Date of Decision: 20.04.2023

**THE MANSA JANTA CO-OPERATIVE LABOUR AND
CONSTRUCTION SOCIETY**

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, Advocate
for the petitioner(s).

Mr. Deepanjay Sharma, DAG, Punjab
for respondent No.1 in all cases.

Mr. Aman Sharma, Advocate
for the respondents No.2 and 3 in CWP-9409-2019,
CWP-15790-2019 and CWP-9114-2019.

Mr. Abhilaksh Gaind, Advocate and
Mr. Rakesh Roy, Advocate
for respondents No.3, 4 and 6
in CWP-23878-2021.

Mr. Harpreet Singh, Advocate
for respondents No.2 & 3 in CWP-15569-2019.

Mr. T.S. Sidhu, Advocate
for respondents No.2, 3 & 5 in
CWP-6783-2019.

None for remaining respondents.

VINOD S. BHARDWAJ, J. (ORAL)

A batch of 13 writ petitions is being disposed of by a common order
since the counsel for the parties agree that similar issue arises in all the petitions.

The petitions have been filed for seeking interest on the delayed
payment against the work executed by the petitioner(s). It has been averred by the
counsel for the petitioners that they had successfully executed the work allotted to
them and had submitted their final bills. Notwithstanding the payment schedule,
which is of essence to the contract, the respondents-Authorities delayed the

disbursement of the said amount. Accordingly, the petitioner(s) are entitled to interest on the delay payment.

Written statement on behalf of respondents No.2 and 3 have been filed wherein they have raised various issues including the issue of limitation which is mixed question of law and fact, and also an objection regarding availability of an efficacious alternative remedy of arbitration and in certain cases before an alternative dispute resolution mechanism under the Work Order. It is thus submitted that writ petition is hence not maintainable.

I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

Taking into account the fact that disputed questions of facts arise in the present petitions, which pertain to the entitlement of the petitioners qua interest on delayed payment and the undisputed fact that the alternative efficacious remedies have been prescribed, the present petitions are disposed of as not pressed with liberty to the petitioners to take recourse to the appropriate alternative remedies available to them in accordance with law and without prejudice to their *inter se* rights.

Disposed of accordingly.

Needless to mention that the time spend in pursuing the present petitions shall be duly considered while computing the limitation and the above period be exempted.

20.04.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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