

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

101+235

**CM-19619-CWP-2019 in/and
CWP-17488-2019 (O&M)
Date of Decision: 06.02.2023**

M/S OSHO ENGINEERING PVT. LTD.

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Tarun Seth, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Ms. Deepika Bansal, Advocate for
Mr. Sumit Jain, Advocate
for respondents No.4 to 7.

VINOD S. BHARDWAJ, J. (ORAL)

CM-19619-CWP-2019

This is an application for placing on record the Legal Notice dated 29.12.2018 as Annexure P-6 and for exemption from filing certified copy thereof.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

The Annexure P-6 is ordered to be taken on record. Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

MAIN CASE

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of

Mandamus directing the respondents to pay interest @ 12% per annum which comes to Rs.47,47,837/- on account of delay in disbursement of the payment qua the works executed by the petitioner and also to pay future interest @ 12% per annum till actual payment of the interest amount.

Learned counsel for the petitioner fairly submits that the petitioner has received the entire due payment, however, the grievance in the present petition is only with regard to the interest on delayed payment. He, however, further 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 releasing 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 State Counsel.

Accordingly, without commenting anything on the merits of the case, the present petition stands disposed of as withdrawn with the liberty as aforesaid.

Any other misc. application(s) also stand(s) disposed of accordingly.

06.02.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No