

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

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**CWP-21032-2022
Date of decision: 24.01.2023**

DHAPA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Saurabh Arora, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl.A.G. Haryana
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to release the due payment of Rs. 4,41,419/- qua the works executed by the deceased husband of the petitioner alongwith interest @ 18% per annum.

Learned counsel appearing on behalf of the petitioner contends that the husband of the petitioner was allotted work of Augmentation Supply Scheme Sungerpur and providing Boosting Station to Dhab Dhani and some other works allotted by the respondent-authorities. The husband of the petitioner has submitted the bills for payment to the tune of Rs. 4,41,419/- but unfortunately, the husband of the petitioner-namely Krishan Kumar died

on 11.09.2014 and the petitioner (wife of deceased-Krishan Kumar), thereafter, approached the respondent-authorities to release the aforesaid outstanding amount, however, no payment has been released to the petitioner.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including Legal Notice dated 31.05.2019 (Annexure P-13) has been made by the petitioner to the respondents-authorities for release of due payment.

Respondent No.4-Executive Engineer, Public Health Engineering Division, Tosham has submitted his reply. The relevant paras are reads thus:

“That it is most respectfully submitted that the case and demand raised by the petitioner was duly considered, but since the scheme had already closed, but after getting the required documents from the petitioner, as a special case, budget was arranged and the entire payment due towards the work executed by the deceased husband of petitioner was calculated which came to be Rupees 326390/- which is as under:-

<i>Payment of final bills</i>	<i>:</i>	<i>Rs.19,298/-</i>
<i>Security</i>	<i>:</i>	<i>Rs. 3,07, 092/-</i>
<i>Total Payment</i>	<i>:</i>	<i>Rs. 3,26,390/-</i>

*And the said amount has already been released in favour of the petitioner. A copy of work bill sent to the treasury dated 13.10.2022 is annexed herewith as **Annexure R-1**.*

4. That as aforesaid, after the execution of work, the husband of petitioner had expired, and the scheme was also closed, and after the demand raised by the petitioner, apart

from certain documents required from the petitioner, the budget was also arranged as a special case, for which approval from higher authorities was obtained, and not only this, the petitioner had also provided some documents with delay, therefore due to all these factors, there was some delay in releasing the payment to the petitioner, however, the delay was neither intentional, nor the same was deliberate, and the delay had occurred due to aforesaid reasons, as such, the petitioner is neither entitled for any kind of interest, and the entire payment due towards the petitioner has already been released, against the work executed by her deceased husband, and as of now, nothing remains to be paid to the petitioner.

Keeping in view the stand taken by the respondents as per which the liability in question is admitted and the respondents undertakes to make the payment, the petition is disposed of with a direction to the respondents to release the payment in favour of the petitioner for the works executed by her deceased husband within a period of 03 months, failing which the respondent shall be liable to pay interest with at the rate of 6 per cent per annum from the date of filing of the present petition till its actual disbursement.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 24, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No