



CWP-3574-2020

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

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CWP-3574-2020

Date of decision: 20.08.2024

Om Parkash Valecha

...Petitioner

Versus

State of Punjab & others

...Respondents

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

Present : Mr. S.S. Maini, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Amit Kumar, Advocate,
for respondents No.2 to 5.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for directing the respondents to make the payment for the work executed by the petitioner on various dates along with interest.

Learned counsel for the respondents fairly contends that there is no dispute with respect to the outstanding dues. However, the funds have not been released by the Chief Administrator, Bathinda Development Authority and that till such time, the said payment is released by the Government authority, they are not in a position to release the same to the petitioner.

It is not disputed that the execution filed by the petitioner was at the instance of respondents No.2 to 5, which was the nodal agency for executing the works in question on behalf of the Chief Administrator,

Bathinda Development Authority.



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I find that such a reason cannot be accepted as a valid reason. The issue of release of funds *inter se* between the Mandi Board as the executive agency and Bathinda Development Authority is between the instrumentalities of the State and the payment due to the petitioner cannot be kept in abeyance merely on account of lack of *inter se* coordination between the respective authorities. I find that this Court is fraught with litigations of similar nature where the agencies get the works executed but do not release the undisputed payment on such pretext. This has led to multiplicity of litigation and compelled the contractors to approach this Court for an act, which was primarily an administrative act and did not require any adjudicatory function.

The present writ petition is allowed. Respondents No.2 to 5 are directed to release the undisputed amount in favour of the petitioner within a period of 3 months from the date of receipt of certified copy of this order along with interest @ 6% per annum from the date when the amount became due.

It is made clear that in the event the requisite payment is not made within the aforesaid period, the salaries of the Chief Administrator Bathinda Development Authority as well as the Secretary and Chief Administrator of the Punjab Mandi Board shall not be released except with the order of release by this Court or till the release of the payment, whichever is earlier.

20.08.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No