

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

258

CWP-11291-2023 (O&M).
Date of Decision: 13.03.2024.

MOHAN DUTT SHARMA

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Ivneet Singh Pabla, Advocate,
for the petitioner.
Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in present writ petition is for directing the respondents to release the payment to the tune of Rs.26,44,200/- qua the work executed by the petitioner pursuant to Work Order dated 12.10.2017 (Annexure P-2).

Learned counsel for the petitioner contends that the petitioner was allotted a tender qua the work of providing and installing 1 No. Tubewell (deep) of size 250 mm x 200 mm, 2 Nos. Pumping Machinery (1 No. for 450 LPM 60 Mtr. Head for T.W. and 1 No. 400 LPM 40 Mtr. Head

for Clear Water Tank), construction of 1 No. Pump Chamber, Construction of B/Wall with iron gate, connecting D.I. Pipe Line, clear water tank, Rain Water Harvesting and Fire Fighting System and all other works contingent thereto for a total project cost of Rs.55,34,624/-. He contends that the petitioner submitted running bills to the tune of Rs.26,44,200/- which have been approved by the respondent authorities, however, the payment is not being made.

By referring to the reply filed on behalf of respondents No.2, 6 and 7, learned counsel for the petitioner submits that the work had been allotted by Health Department and the same was executed through the Department of PWD (B&R). He further contends that the above said project work belong to the Department of Health and that they had engaged PWD (B&R) for execution of the said work which eventually was allotted to the petitioner.

A reference is also made to the reply filed on behalf of respondents No.1, 3 and 5 i.e. the Public Health Department wherein they have acknowledged the liability and submitted that the above said payment of Rs.26,44,200/- could not be made as the funds have not been made available by the Head Office. It is also acknowledged that the payment qua the above said amount of Rs.26,44,200/- has already been made by the Department to respondent No.5.

It is evident that the respondents did not dispute their obligation qua the above said amount and there is also no dispute with

respect to the claim made by the petitioner and the work in question has already been executed by the petitioner.

Under the given circumstances, the present writ petition is partly allowed with a direction to the respondents to release the undisputed amount of Rs.26,44,200/- within a period of 02 months of the receipt of the certified copy of this order. It is made clear that in the event the needful is not done with the time as aforesaid, the respondents shall be liable to pay the above said amount along with interest @ 6% per annum from the date of filing of the present writ petition till its actual disbursement.

The present writ petition stands partly allowed accordingly.

March 13, 2024.

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(VINOD S. BHARDWAJ

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No