

Court No. - 40

Case :- WRIT - C No. - 30639 of 2023

Petitioner :- M/S Aadi Shakti Enterprises Patregwan

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ashish Kumar

Counsel for Respondent :- C.S.C., Virendra Singh

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ashish Kumar, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. The petitioner has prayed for the following reliefs :-

"(i). Issue a writ, order or direction in the nature of mandamus commanding the respondent authority concern to pay the admitted dues bills amount of Rs.7,08,423/- and Rs.8,92,555/- to the petitioner in respect of interlocking work done by the petitioner in pursuance of work orders dated 20.02.2021 issued by the respondent no.4, as earlier along with interest respondent authority concern to pay the admitted dues bills amount of Rs.7,08,423/- and Rs.8,92,555/- to the petitioner in respect of interlocking work done by the petitioner in pursuance of work orders dated 20.02.2021 issued by the respondent no.4, as earliest alongwith interest.

(ii). Issue a writ, order or direction in the nature of mandamus commanding or directing the respondent authority concern to consider and decide the representation of the petitioner dated 14.08.2023 regarding the payment of admitted dues bills by passing a reasoned and speaking order within stipulated time as fixed by this Hon'ble Court (Annexure No.11 to this writ petition)."

3. While entertaining the writ petition on 17.10.2023, we have asked learned Standing Counsel to obtain instructions in the matter. In response thereof, learned Standing Counsel has placed detailed instructions dated 27.10.2023 sent by the Chief Development Officer, Mahrajganj. The same is taken on record and a copy of the said instruction is also handed over to learned counsel for the petitioner.

4. While placing the instruction, learned Standing Counsel submits that the Chief Development Officer, Mahrajganj has already accepted the claim of the petitioner to the tune of Rs.17,81,855/- out of which the department has already released Rs.2,00,000/- and in absence of budgetary allocation, the remaining amount could not be released in favour of the petitioner. It is claimed that some time may be accorded so that after receiving the budgetary

allocation, the balance amount may also be released.

5. As the aforementioned amount is admitted by the respondents, we are not inclined to keep the matter pending consideration.

6. Accordingly, we dispose of the writ petition asking the respondents to ensure that the balance amount is to be released in favour of the petitioner within three months from today, failing which the petitioner would be entitled for 6% interest per annum.

Order Date :- 30.10.2023

Rama Kant