

Court No. - 46

Case :- WRIT - C No. - 31012 of 2023

Petitioner :- Anil Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sanjeev Kumar Yadav

Counsel for Respondent :- CSC, Abhishek Krishna, Amit Kumar Mishra

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. Heard Shri Sanjeev Kumar Yadav, learned counsel for the petitioner, Shri Abhishek Krishna and Shri Amit Kumar Mishra, learned counsel for the contesting respondents.
2. Petitioner' claim in respect of payment against his bills was directed to be considered by the Executive Officer pursuant to an order passed by this Court in Writ Petition No.16863 of 2022. A consequential order has been passed by the local authority rejecting the petitioner's claim primarily on the ground that photographs at various stages of construction were not furnished.
3. Counsel for the petitioner states that such photographs were, in fact, furnished.
4. Whether or not such photographs in terms of the contract were furnished is not an aspect, which is required to be examined by this Court at the first instance. It is not in dispute that the contract awarded to the petitioner contains an arbitration clause.
5. In such circumstances, as a dispute is shown to have arisen with regard to liability to clear bills of the petitioner, the remedy of the petitioner would be to avail arbitration in terms of the agreement. Writ petition for such purposes would not be the appropriate remedy. The petition is thus consigned to records.

Order Date :- 13.10.2023

LN Tripathi