

Court No. - 40

Case :- WRIT - C No. - 33776 of 2023

Petitioner :- Heera Lal

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

Counsel for Petitioner :- Sanjay Kumar Rai, Ayub Khan

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

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for State respondents and Sri Ajit Singh, learned counsel for respondent no.3.

2. Present writ petition has been preferred for the following reliefs:-

"(A) Issue a writ, order or direction in the nature of certiorari quashing the impugned Letter/Notice No.-935/MAVINI/PRA.NI/JALASHAY/2023 dated 25.08.2023 issued by the respondent no.3/Managing Director.

"(B) Issue a writ, order or direction in the nature of mandamus directing the respondents to realize the 1/4th of principal amount of third year 2022-23 of auction amount from the petitioner in easy installments after furnishing the correct statement of deposit amount/account of petitioner to meet ends of justice."

3. Sri Ajit Singh, learned counsel for contesting respondent raised an objection regarding maintainability of the writ petition on the ground that Condition No. 26 of E-Tender issued by Uttar Pradesh Matasya Vikash Nigam Limited provides that if there is any dispute with regard to contract, the matter will be decided by the arbitrator.

4. Considering the facts that the petitioner has efficacious remedy to approach the arbitrator as per conditions of E-Tender, we are not inclined to entertain the writ petition. However, it is open to the petitioner to avail the remedy as available under law.

5. Accordingly, the writ petition is ***disposed of.***

Order Date :- 30.10.2023

S.P.