

Court No. - 40

Case :- WRIT - C No. - 33395 of 2023

Petitioner :- M/S Niranjan Lal Shyam Sundar

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Jitendra Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard learned counsel for the petitioner and Sri S.C.Upadhyay, learned Standing Counsel for the State-respondent.
2. The present writ petition has been preferred for a mandamus commanding the Executive Engineer P.W.D. Siddhartha Nagar to return the interest of stop money of Rs. 4828673/- with 12% interest according to agreement clause 43.1 to the petitioner and retention of 2 FDRs to the tune of Rs. 1005929/- with 12% interest prescribed by existing rules. Alternatively, prayer is made to direct the second respondent to decide the petitioner's representation dated 30.6.2023 (Annexure No. 19 to the writ petition).
3. The record in question reflects that the petitioner is 'A' class government contractor registered firm under the name and style of M/s Niranjan Lal Shyam Sundar Banganga Road Near S.B.I., Post-Shohratgarh, District Siddhartha Nagar. The petitioner firm was accorded a contract work from the Superintending Engineer Basti Circle, P.W.D. Basti as its bid was lowest for widening and strengthening of Uska Brijmangan Road (ODR) in 5.05 Km. length upto painting stage under the scheme Uchchikaran (MDR/ODR) year 2020-21. It is not in dispute that the work has been assigned and executed by the petitioner and as per the C.C.L. system, 5% retention money was deducted and kept into FDR which has to be disbursed. In this backdrop, we have asked learned Standing Counsel to seek instructions in the matter vide order dated 13.10.2023.
4. In response thereof, learned Standing Counsel has placed the detailed instructions sent by Executive Engineer, P.W.D., Siddharth Nagar. While placing the instructions, it has been acknowledged that the amount in question has been

deducted and the same would be released at appropriate stage once the financial approval is being accorded by the State Government. The said instruction is taken on record.

5. In the facts and circumstances, no useful purpose would be served in keeping the writ petition pending for consideration and with the consent of the parties, the writ petition is disposed of finally asking the first respondent to take a final call in the matter strictly, in accordance with law as expeditiously as possible and preferably within six weeks time from the date of production of certified copy of this order.

Order Date :- 26.10.2023

A.K.Srivastava