

Court No. - 40

Case :- WRIT - C No. - 33768 of 2023

Petitioner :- M/S Fauji Construction And Suppliers

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

Counsel for Petitioner :- Rajnish Kumar Pandey, Santosh Kumar Pandey

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

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Santosh Kumar Pandey, learned counsel for the petitioner, Shri Satyam Singh, learned counsel appearing for respondent nos. 3 and 4 and learned Additional Chief Standing Counsel for the State-respondents.

2. Shri Satyam Singh, learned counsel appearing for respondent nos. 3 and 4 has placed the detailed instructions dated 21.10.2023, the same is taken on record, copy of the same is also handed over the learned counsel for the petitioner.

3. By means of the present writ petition, the petitioner has prayed for the following reliefs :-

"(i) issue a writ, order or direction in the nature of mandamus commanding/directing the respondent no. 4 to decide the representation dated 13.06.2023, expeditiously, within stipulated time.

(ii) issue a writ, order or direction directing the respondent no. 4 to pay the Rs. 6,19,506/- along with interest."

4. The relief has been asked for in the light of the judgment passed in Civil Appeal No. 2610 of 2019 (M/s Surya Constructions v. The State of Uttar Pradesh and others) arising out of SLP (C) No. 29505 of 2014. Shri Satyam Singh, learned counsel for the Co-operative Bank placed the detailed instruction indicating therein the admitted amount of Rs. 16,54,000/- had already been paid to the petitioner way-back in the year 2020. So far as the payment of additional, Rs. 6.19/- lakhs, the same is unsustainable in view of the agreement. He submits that the disputed facts cannot be adjudicated under writ jurisdiction.

5. Considering the facts and circumstances, once the writ petition is not maintainable as the petitioner has got efficacious remedy to agitate his claim/right in terms of the agreement before the arbitrator. It is left open to the petitioner to invoke the remedy as available in law.

6. With the aforesaid leave, the writ petition stands **disposed of**.

Order Date :- 31.10.2023/ Rama Kant