

**Court No. - 40**

**Case :-** WRIT - C No. - 33900 of 2023

**Petitioner :-** M/S Yash Solutions A Unit Of Yash Ornaments Pvt. Ltd.

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

**Counsel for Petitioner :-** Vipin Kumar

**Counsel for Respondent :-** C.S.C.

**Hon'ble Mahesh Chandra Tripathi,J.**

**Hon'ble Prashant Kumar,J.**

1. Heard Shri Vipin Kumar, learned counsel for the petitioner and Shri F.A.Ansari, learned Standing Counsel for the State respondents.

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

*"(i) issue a writ, order or direction directing the respondents to decide the representation/letter dated 01.05.2022 moved by the petitioner within stipulated time.*

*(ii) issue a writ, order or direction directing the respondents to make payment of admitted amount of Rs. 98,41,000/- for the test of Soil samples for Soil Health Card Scheme running under the National Mission for sustainable agriculture for the financial year 2018-19 in Aligarh Division, Aligarh, within stipulated time with interest."*

Learned counsel for the petitioner submits that earlier the respondents had passed an order on 08.10.2018 whereby the contract of the petitioner of soil testing has been cancelled and by another order dated 08.10.2018 it was blacklisted for a period of three years. Both the orders were subject matter of challenge in Writ-C No. 8212/2019 (M/s Yash Solutions v. State of UP & 06 Others), wherein, the Division Bench vide an order dated 22.05.2019 had set aside both the orders and writ petition was allowed. With further observation, it will be open to the respondents to pass fresh order after conducting due and proper inquiry in accordance with law.

3. Learned counsel for the petitioner states that in spite of the aforesaid order, till date the inquiry has not been concluded and the admitted amount has not been released by the respondents. This situation impelled the petitioner once again to approach the writ court for a direction for ensuring the payment. In support of his submissions, he placed reliance upon the order dated 17.12.2021 passed in Writ-C No. 29096/2021 (M/s Yash Solutions A Unit of Yash Ornaments Pvt. Ltd.), wherein the Division Bench had disposed of the matter with a direction to the petitioner to furnish details of pending bills to the fourth respondent, who shall examine the same in terms of the contract and necessary decision would be taken for payment.

He submits that the similar indulgence may also be extended.

4. Shri F.A.Ansari, learned Standing Counsel placed the detailed instructions dated 15th September, 2023, the same is taken on record, indicating therein in response to the order of writ court, the inquiry is on and the notice was given to the petitioner on 25.08.2021 in which written reply was given on 27.09.2021, even though he has filed the objection just for matching the hand-writing. The Inquiry Officer has already asked to the petitioner for submitting his signature so that it may be verified but till date he is not co-operating in the ongoing inquiry.

5. Confronted with this situation, learned counsel for the petitioner on the instructions states that the petitioner is willing to face the inquiry so that it may be concluded expeditiously.

6. Considering the facts and circumstances, once in response to the aforesaid direction, the inquiry is on, we deem as the matter is pending from last more than three years. We direct the respondents to conclude the inquiry expeditiously preferably within a period of two months from the date of production of certified copy of this order with further observation that the petitioner would extend full co-operation in the ongoing inquiry only thereafter, the second relief can be pressed by the petitioner.

7. With the aforesaid direction, the writ petition stands ***disposed of***.

**Order Date :- 2.12.2023**

A.K.Srivastava