

Court No. - 40

Case :- WRIT - C No. - 35183 of 2023

Petitioner :- Bal Mukund Tiwari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Bidhan Chandra Rai

Counsel for Respondent :- C.S.C

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ram Manohar Narayan Mishra,J.

1. Heard learned counsel for the petitioner and Shri R.M. Upadhyay, learned Addl. Chief Standing Counsel for State respondents.

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

"(i) issue a writ, order or direction in the nature of mandamus directing respondent 2 and 3 to immediately act upon for payment of the outstanding dues along with retention money, revised GST at the rate of 18% and interest on the contract price, within a reasonable specified period, as may be deemed fit and proper by the Hon'ble High Court."

3. This much is contended that Executive Engineer-respondent no.3 sent a proposal for construction of Helipad and other miscellaneous work for the proposed arrival of Hon'ble Prime Minister of India at Aligarh. The petitioner was entrusted for the said work subject to approval of rate by the Chief Engineer-respondent no.2. The respondent nos.2 and 3 entered into an agreement with the petitioner for the aforesaid construction work. The petitioner undertook the construction of helipad and other miscellaneous work well within time. Immediately, thereafter, the Executive Engineer prepared the bill for an amount of Rs.49,94,061/-. Despite the accomplishment of work, once the respondents did not take any steps for payment of outstanding dues, the petitioner was compelled to file Writ-C No.21373 of 2023 for expeditious payment of dues. The said writ petition was disposed of on 21.7.2023 directing the Chief Engineer-respondent no.2 to dispose of the application of the petitioner in accordance with law expeditiously. Pursuant to the aforesaid order, the petitioner submitted an application to respondent no.2 seeking payment of outstanding dues. It is contended that in response thereof, the respondent no.2 admitted the liability and disposed of the application of the petitioner vide order dated 18.8.2023 with observation that the requisition has been sent to the government for allocation of fund and the payment will be made after receiving the fund. It is alleged that inspite of the aforesaid direction, till

date the grievance of the petitioner has not been redressed by the respondents. Such inaction on the part of the respondents has impelled the petitioner to approach once again before this Court by means of present writ petition.

4. Considering the facts and circumstances of the case, we **dispose of** the writ petition with direction to the Principal Secretary, Public Works Department, Government of U.P. to take all remedial measures and ensure that necessary payment be made to the petitioner expeditiously and preferably within six weeks from the date of production of certified copy of this order.

Order Date :- 8.12.2023

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