

Court No. - 39

Case :- WRIT - C No. - 36600 of 2023

Petitioner :- M/S Subodh Kumar Gupta Contractor And Supplier

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

Counsel for Petitioner :- Sushil Kumar Srivastava

Counsel for Respondent :- C.S.C.,Saurabh Tiwari

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Mr. Sushil Kumar Srivastava, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Mr. Saurav Tiwari, learned counsel for respondent no.3.

2. The petitioner is claiming Rs. 8,62,367/- against the work claimed to have been done by him for the respondent-Nagar Panchayat.

3. On 26th October, 2023, following quoted below order was passed by the Coordinate Bench of this Court:

"The matter relates to the payment. According to the petitioner, it has carried out certain construction work with respondent No.3 and is entitled to receive payment about Rs.8,00,000/- but the same has not been paid to the petitioner.

Copy of the writ petition has been supplied to the learned counsel appearing for respondent No.3 about ten days back, however, he submits that he has not received any instructions till date.

On the request of learned counsel for respondent No.3, list this case on 2.11.2023 as fresh. On the said date, learned counsel for respondent No.3 to seek instructions regarding admitted dues to be paid to the petitioner. "

4. Today upon instructions received, the learned counsel for respondent no.3 states that no money has been paid to the petitioner as the concerned Junior Engineer of the Nagar Panchayat has failed to discharge his duties in preparation of the measurement book. Thus, the delay in payment is attributed to the functional authority i.e. Junior Engineer.

5. In view of such facts, no useful purpose may be served in keeping this petition pending or calling for a counter affidavit,

this petition is **disposed of** with a direction, respondent no.3 shall ensure the due verification of the work claimed to have been performed by the petitioner. If any payment is found due for the work performed by him, the same may be paid out within a period of three months from today. If any unreasonable delay has been caused for payment of such amount, the same may also be paid to him along with interest at the rate of 6% for such delay.

6. It is, however left open to respondent no.3 to recover the amount of interest from such erring authority/official of Nagar Panchayat who may be found guilty for such delay.

(Shiv Shanker Prasad, J.)

(Saumitra Dayal Singh, J.)

Order Date :- 2.11.2023

Sushil/-