

Court No. - 40

Case :- WRIT - C No. - 38183 of 2023

Petitioner :- Shiv Shankar

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

Counsel for Petitioner :- Ajay Kumar, Roopesh Kumar Nigam

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

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

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

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

"I. To issue a writ, order or direction in the nature of mandamus, commanding and directing the concerned respondents to pay the entire bill amount of Rs.58,20,282/- in favour of petitioner of supplied material i.e. soil, cement, sariya etc. in formation work under "MGNREGA SCHEME" of Gram Panchayat of Permanent Gosala with Charahi, Tin-Shed and construction of Interlocking Khadanja, which is duly supplied after taking the bid of aforesaid formation work of Gosala and construction of Interlocking Khadanja in the name of petitioner's tender i.e. proprietor of "New Jai Ambe Construction."

II. To issue a writ, order or direction in the nature of mandamus commanding and directing the concerned authority to decide the representation dated 09.08.2023 (Annexure No.8) moved by the petitioner with speaking and reasoned order."

3. This much is contended that the petitioner is duly registered contractor/ proprietor of "New Jai Ambe Construction" and he is supplier of construction materials i.e. soil, cement, iron rods (sariya), tin-shed etc. In financial year 2022-23, the concerned authorities of Block Level published a tender for supplying material i.e. soil, cement, iron rods (sariya) etc. in formation work under "MGNREGA SCHEME" of Gram Panchayat for Permanent Goshala with Charahi, Tin-Shed and construction of Interlocking Khadanja. In the bidding process, the petitioner's bid was accepted. Learned counsel for the petitioner submits that admittedly the work was performed and after verification necessary certificate was also issued by the authority concerned (paper book p.115). It is alleged that inspite of completion of work, the payment in question has not been ensured and as such the petitioner's claim is liable to be considered in the light of the judgment of Hon'ble the Apex Court in **M/s Surya Construction vs. State of Uttar Pradesh & Ors.** (2019) 16 SCC 794.

4. Learned Addl. Chief Standing Counsel as well as learned counsel for Gaon Sabha have stated that they have no objection, if the matter is relegated to the competent authority to redress the grievance of the petitioner strictly in accordance with law.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits of the issue and with the consent, the writ petition stands **disposed of** asking the Chief Development Officer, Chitrakoot to look into, examine and redress the grievance of the petitioner strictly in accordance with law expeditiously and preferably within two months from the date of production of certified copy of this order.

Order Date :- 11.12.2023

SP/