Court No. - 40

Case :- WRIT - C No. - 38646 of 2023

Petitioner :- M/S Sri Nath Construction Company
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Digvijay Tiwari
Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.
Hon'ble Prashant Kumar,J.

1. Supplementary affidavit filed today is taken on record.

2. Heard learned counsel for the petitioner and Sri R.M.Upadhayay, learned Additional Chief Standing Counsel for the State-respondent.

3. The present writ petition was entertained on 8.11.2023 and this Court has proceeded to pass the following order.

> *"Learned counsel for the petitioner has approached to this Court with the grievance that certain construction had been carried out and even though, the said work had been accepted by the respondents but till date the actual payment has not been made to the petitioner. He submits that in the light of the judgment rendered by Hon'ble Supreme Court in M/s Surya Construction vs. State of Uttar Pradesh & Ors. (2019) 16 SCC 794, the claim of the petitioner is to be considered by the competent authority.*
>
> *Before proceeding further in the matter, let Sri Devesh Vikram, learned Additional Chief Standing Counsel appearing for State respondents seek instructions in the matter.*
>
> *Put up this matter again as fresh on 29.11.2023. "*

4. In response to the aforesaid order, learned ACSC has placed the detailed instruction dated 25.11.2023 sent by the Executive Engineer, Provincial Division, P.W.D., Ballia/respondent no. 5 and the same is taken on record. He submits that in response to the order dated 8.11.2023, respondent no. 5 wrote a letter dated 18.11.2023 to the petitioner asking therein for submission of original C.R.C. of the work done to the Division so that the balance amount can be processed.

5. Confronted with this situation, learned counsel for the petitioner states that the said letter is duly responded by the petitioner through a detailed representation dated 22.11.2023. He further submits that claim of the petitioner is to be processed at the earliest.

6. Considering the facts and circumstances once the matter is seized before the competent authority i.e. respondent no. 5, no useful purpose would be served in keeping the writ petition pending consideration and without adverting on the merits of the issue, we direct the respondent no. 5 to take a final call in the matter expeditiously and preferably within a period of four weeks from the date of production of a certified copy of this order.

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

Order Date :- 5.12.2023
A.K.Srivastava

Digitally signed by :-
ARUN KUMAR SRIVASTAVA
High Court of Judicature at Allahabad