

Court No. - 21

Case :- WRIT - C No. - 39445 of 2023

Petitioner :- M/S Goyal Construction Company And Another

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

Counsel for Petitioner :- R.P.S. Chauhan

Counsel for Respondent :- CSC, Shyam Mani Shukla

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Heard Shri R.P.S. Chauhan, learned counsel for the petitioner, learned Standing Counsel for the State and Shri Shyam Mani Shukla, learned counsel for respondent Nos. 2 to 4.

2. The instant petition relates to several separate contracts and we find that there is misjoinder of cause of actions.

3. Learned counsel for the petitioners confines the instant petition to the first running bill for the contract in which there is a recommendation dated 20.08.2020 for payment of a sum of Rs. 7,64,107/- after deduction of taxes. He submits that respondent No. 2 be directed to consider the release of the said amount.

4. Accordingly, without expressing any opinion on the merit of the case, the instant petition is **disposed of** with a direction to respondent No. 2 to either make payment of the admitted amount or if there is any legal impediment, pass speaking order as to why the claim is not admissible within six weeks.

5. The petitioners shall file true attested copy of the instant order along with the fresh representation in respect of the aforesaid claim before respondent no. 2 within two weeks from today.

6. In respect of the other contracts, liberty is reserved in favour of the petitioners to file separate petitions.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 29.11.2023

Mukesh Pal