

Court No. - 46

Case :- WRIT - C No. - 40633 of 2023

Petitioner :- Khoobchandra Ahirwar

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

Counsel for Petitioner :- Shivam Yadav,Udai Bhatia

Counsel for Respondent :- C.S.C,Narendra Pratap Singh

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Petitioner claims to have been allotted certain developmental work by the Nagar Palika Parishad, Mauranipur, Jhansi. As per the petitioner such works have been completed to the satisfaction of the authorities but even the admitted bills of petitioner are not being released.

On behalf of petitioner reliance is placed upon a judgment of the Supreme Court in M/s Surya Constructions v. State of U.P. and others, (2019) 16 SCC 794 as also the judgment of this Court in Kanika Construction v. State of U.P. and others, 2022 (22) ADJ 651 (DB).

Sri N. P. Singh, learned counsel appearing for the respondent local authority, however, states that the sums claimed by the petitioner are not admitted. It is also stated that there were various defects in the work performed by the petitioner and notices have also been issued.

Be that as it may, we find that till date no specific order has been passed by the respondent authority in respect of petitioner's claim for release of contractual demand in terms of the law referred to above.

In that view of the matter, we dispose of this petition with a direction upon respondent no.3 to accord consideration to petitioner's claim for release of dues, in accordance with law referred to above, by passing a reasoned speaking order, within a period of two months from the date of presentation of a certified copy of this order.

Order Date :- 28.11.2023

Ashok Kr.