

Court No. - 32

Case :- WRIT - C No. - 41255 of 2023

Petitioner :- M/S Shahi And Associates

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

Counsel for Petitioner :- Siddhartha Srivastava

Counsel for Respondent :- CSC

Hon'ble Salil Kumar Rai,J.

Hon'ble Syed Aftab Husain Rizvi,J.

In pursuance to the previous order dated 06.12.2023 passed by this Court, the Executive Engineer (In-charge) is present and has filed his personal affidavit which is taken on record.

In his personal affidavit, the Executive Engineer has stated that all attempts shall be made to satisfy the award by 15.01.2024.

The counsel for the petitioner states that the next date fixed in the execution case is 15.01.2024. The Treasury Code / account number of the department Fatehpur Division Lower Ganga Canal Fatehpur has also been provided and the number given in the personal affidavit is 4801.

After personal affidavit was filed, the counsel for the petitioner states that the payment is to be made not by the Executive Engineer but by the Superintending Engineer, Irrigation Works Circle, Kanpur, i.e., respondent no. 2.

The aforesaid fact was not pointed out either by the counsel for the petitioner or the Standing Counsel at the time the order dated 06.12.2023 was being dictated in open Court forcing the Court to enter into an error by summoning the Executive Engineer (In-charge).

It is expected that the Commercial Court shall proceed in accordance with law and ensure expeditious disposal of the execution case.

The petition is ***disposed of***.

Order Date :- 11.12.2023

Vipasha