

Court No. - 21

Case :- WRIT - C No. - 42845 of 2023

Petitioner :- Devagaya Enterprises

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

Counsel for Petitioner :- Sayujya Singh

Counsel for Respondent :- C.S.C., Sanjay Kumar Upadhyay

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition is directed against the order dated 21.08.2023 passed by Executive Officer, Nagar Palika Parishad, Jaunpur (respondent no.3) in compliance of the direction issued by this Court dated 31.10.2022.

2. The petitioner is a proprietorship concern of one Smt. Neha Singh. She had entered into an agreement with the respondent- Nagar Palika Parishad for providing Portable Compactors and Trucks for management of solid waste in the panchayat area. According to the petitioner, she had received Rs. 1,80,04,141/- from the respondent under the contract and the balance amount still payable to the petitioner is Rs. 57,95,859/-. The petitioner filed the previous writ petition with the grievance that the said amount was not being paid to her. Consequently, the writ petition was disposed of by order dated 31.10.2022 directing the Executive Officer, Nagar Palika Parishad, Jaunpur to consider and decide the claim of the petitioner. The Executive Officer has now passed the impugned order, wherein he has held that the only amount, which remained unpaid is Rs. 77,072/- and which too has been adjusted against transfer station operation fee for abandoning the work before end of contract period. Accordingly, the representation has been rejected.

3. Learned counsel appearing for the petitioner tried to show that the impugned order is illegal as the amount still due and payable to the petitioner under the contract, has not been paid to her.

4. The Nagar Palika Parishad has already taken a particular stand while deciding the representation and has thereby disputed the claim of the petitioner. In such circumstances, we are not inclined to examine the claim of money under a non-statutory contract in exercise of writ jurisdiction. It is left open to the petitioner to seek such other remedy as may be advised.

5. The petition is disposed of accordingly.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, ACJ.)

Order Date :- 12.12.2023

Noman