

Court No. - 3

Case :- WRIT - C No. - 10306 of 2023

Petitioner :- Mohd. Abrar

Respondent :- U.P. Jal Nigam (Urban) Thru. Its Managing Director , Lucknow And Others

Counsel for Petitioner :- Savita Jain,Umesh Chandra Srivastava

Counsel for Respondent :- Rishabh Kapoor

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Supplementary Affidavit filed today is taken on record.

Heard learned counsel for petitioner and Sri Rishabh Kapoor, learned counsel for the respondents/U.P. Jal Nigam, Lucknow.

Petitioner has approached this Court for a direction to the respondents to release the amount of petitioner towards the work executed by him in pursuance to the Work Order No.5/417 dated 01.01.2015 and Work Order No.6/417 dated 01.02.2015 along with the interest expeditiously or within the time frame as may be fixed by the Court.

The case of the petitioner is that he has executed the work of respondents in the year 2015. By the Supplementary Affidavit, it is stated that certain lacunas were found in the same after the work was completed and handed over and thereafter by a communication dated 14.5.2018, petitioner was directed to remove the said lacunas and the same were also removed by the petitioner in the year 2018 itself. Though, the part payment was made but his bills were not finally cleared. Thus, the petitioner approached the Court claiming that the period of limitation starts from the year 2018 ending in the year 2021 and he should be granted benefit of COVID-19 period.

In the present matter, there is no specific date

given as to when the said lacunas were removed in the year 2018, however a reference for the same is made to the representation/reply dated 28.05.2018, hence this Court is bound to treat it to be in May, 2018 and accordingly the period of limitation would expire in the year 2021. Even if the benefit of the order of Supreme Court for getting the benefit of COVID-19 period from 15.03.2020 to 28.02.2022, is provided to the petitioner, the period of three years for filing a suit for recovery of the due amount is already expired. Thus, the suit itself is barred by limitation. Therefore, the writ petition before this Court for the similar relief for recovery of the due amount also cannot be entertained by this Court as the same is also barred by limitation.

Accordingly, this Court is not inclined to entertain this writ petition. It is hereby dismissed.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 4.12.2023

Arjun/-