

Court No. - 1

Case :- WRIT - C No. - 10351 of 2023

Petitioner :- M/S Shri Hari Construction , Barabanki Thru. Proprietor Sri Vishnu Dutta Mishra

Respondent :- Union Of India Thru. Secy. Deptt. Of Posts , New Delhi And Others

Counsel for Petitioner :- Abhishek Misra, Durgesh Nandini

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner and Shri S.B. Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Shri Varun Pandey for the respondents.

2. At the very outset, it has been pointed out by Shri S.B. Pandey, learned Deputy Solicitor General of India that the agreement under which the parties have acted upon contains Clause no.15 whereunder any differences or disputes are amenable to the arbitration proceedings.

3. There is a dispute regarding the payments fallen due in the year 2021.

4. Once a dispute has arisen between the parties, it is open for them to avail the arbitral proceedings as per the arbitration clause stipulated in the agreement. The writ petition, however, for adjudication of the question of fact would not be permissible

5. The writ petition is **dismissed** with the aforesaid liberty.

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 28.11.2023

Anand Sri./-