

Court No. - 1

Case :- WRIT - C No. - 10335 of 2023

Petitioner :- M/S N.K.G. Infrastructure Limited Thru. Attorney R.K. Sharma

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Irrigation Lko. And 4 Others

Counsel for Petitioner :- Anurag.S.Kaalesh

Counsel for Respondent :- C.S.C.,I.M. Pandey Ist

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the parties.
2. There appears to be a dispute as to the release of payment in respect of an agreement pursuant to which the petitioner has carried out some construction work.
3. An arbitration clause is available under the agreement according to which the petitioner has a remedy of initiating the arbitral proceedings. Once the parties have chosen to resolve the dispute or differences through arbitral proceedings, the writ petition in such cases involving the factual disputes would not be maintainable.
4. Thus, leaving it open to the petitioner to avail the remedy of arbitration proceedings for redressal of grievance, the writ petition is declined to be entertained and the same is hereby ***rejected***.

Order Date :- 28.11.2023

Shahnaz