

Court No. - 3

Case :- WRIT - C No. - 10774 of 2023

Petitioner :- M/S N.K.G. Infrastructure Ltd. New Delhi Thru.
Attorney R.K. Sharma

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

Counsel for Petitioner :- Anurag.S.Kaalesh

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

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Supplementary affidavit filed by learned counsel for the petitioner is taken on record.

Heard Sri Anurag Srivastava Kaalesh, learned counsel for the petitioner, learned Standing Counsel for the State and Sri I. M. Pandey-I, learned counsel for respondents no.2 to 5.

The petitioner has approached this Court for the following main reliefs:

(i) To issue a writ, directions or order in the nature of certiorari commanding and quash letter No. 1237/PCL/PM/Unit-36, dated 29.11.2023 issued by O.P. No.5 (Contained as Annexure No.1 to instant writ petition).

(ii) To issue a writ, order or directions in the nature of mandamus commanding and direct the respondents to restrain them to en-cash bank guarantees submitted by the petitioner firm, in respect of Contract Agreement No.04/UPPCL/NKG/2009-10, 03.11.2009 (Contained as Annexure No.1 to instant writ petition).

Learned Standing Counsel raises a preliminary objection that the petitioner has alternative remedy available under Clause 20.2 of the Contract itself under which he can approach the Engineer in-charge concerned and thereafter the General Manager concerned for redressal of his grievance.

Learned counsel for the petitioner at this stage prays for withdrawal of the instant petition with the liberty to file to avail the said alternatives.

Learned counsel for the respondents have no objection.

With the aforesaid liberty, the petition is consigned to record.

It is directed that in case the petitioner approaches the Engineer In-Charge concerned and the General Manager, Zone-6, U.P. Project Corporation Ltd, Noida, Uttar Pradesh in accordance with law under Clause 20.2 of the Contract, the proceedings shall be decided within the time provided in the said Clause.

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

Order Date :- 14.12.2023

Manoj K.