

Court No. - 2

Case :- WRIT - C No. - 10760 of 2024

Petitioner :- M/S Pannu Infra Pvt. Ltd. Thru. Director Ashish Pannu

Respondent :- State Of U.P. Thru. Prin. Secy., I.I.D.D., Lko. And 3 Others

Counsel for Petitioner :- Rohitash Kumar Singh

Counsel for Respondent :- C.S.C., Sharad Tewari

Hon'ble Rajan Roy, J.

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the petitioner, learned standing counsel for the State and Mr. Abhinit Jaiswal, learned counsel for opposite party no. 2.

2. The petition claims that the work of construction of Expressway from Meerut to Prayagraj was sublet by opposite party no. 3 i.e. the main contractor to the petitioner. In this process a pre-ground level examination is to be conducted to ascertain the work done by the petitioner which would be the basis for payments to the petitioner by the opposite party no. 3 but the opposite party no. 3 is not facilitating the said exercise.

3. Mr. Amit Jaiswal, learned counsel has put in appearance on behalf of opposite party no. 3 and says that his Vakalatnama is on the way and would be filed in the Registry. He may do so. He says that a dispute has been raised by the opposite party no. 3 and proceedings for arbitration have been initiated. Moreover, Section 11 application for appointment of Arbitrator has been filed before the Bombay High Court.

4. Looking into the facts aforesaid the dispute is between private parties that too arising out of a contract, we see no reason to entertain the petition under Article 226 of the Constitution of India, especially in view of what has been stated by Mr. Amit Jaiswal appearing on behalf of opposite party no. 3.

5. The writ petition is ***dismissed*** without prejudice to the rights, if any, of the petitioner to avail other remedies.

[Brij Raj Singh, J.] [Rajan Roy, J.]

Order Date :- 18.12.2024

Santosh/-