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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2840/2017 & CM No.12374/2017 (for direction)

K.D. TECHNOLOGIES

..... Petitioner

Through Mr. Prakash Sinha with Mr. Rakesh
Mishra, Advocates.

versus

M/S. NATIONAL BUILDINGS CONSTRUCTION
CORPORATION LTD. & ANR.

..... Respondents

Through Mr. Karan Sharma, Advocate for
respondent No.1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **29.03.2017**

The petitioner, by the present petition, seeks a direction to respondents to act upon the representation dated 19.12.2016 and a direction to the respondents to release the balance payment to the petitioner for the work done.

The respondent No.1 had awarded a contract in favour of the respondent No.2 on 20.04.2012 for the 'Construction of National Intelligence Academy-cum-Regional Training Centre' at Dwarka. The respondent No.2 is stated to have sub-contracted a part of the said work to the petitioner.

As per the petitioner, there is some payment due to the petitioner from the respondent No.2. The petitioner has requested the respondent No.1 to withhold the payment of the respondent No.2 and

to release the same to the petitioner.

It appears that this is a contractual dispute between the petitioner and the respondent No.2, and the petitioner is seeking payment for the work which was subcontracted by the Respondent No. 2 to the Petitioner. The respondent No.1, as a principal employer, is not a party to the contract between the petitioner and the respondent No.2 and as petitioner and respondent No.2 are private parties, a petition under Article 226, *prima facie*, does not appear to be maintainable in the facts of the present case.

Learned counsel for the petitioner submits that the petitioner would not press this petition and would be satisfied if the petitioner is informed by the respondent No.1 as to whether the respondent No.1 has cleared the bills of the respondent No.2 or not and, on such information being provided, the petitioner would be taking such remedies, as may be available in law, against the respondent No.2 for release of its payment.

In view of the above, respondent No.1 is directed to inform the petitioner, within a period of one week from today, as to whether all bills of the respondent No.2, qua the said contract, have been cleared and payments made or not.

The writ petition is, accordingly, dismissed as withdrawn with liberty to the petitioner to take such remedies, as may be available in law.

SANJEEV SACHDEVA, J

MARCH 29, 2017/st