

08.04.2022
Court No.13
Item No.76
AP

WPA 2282 of 2022

**Durotech Industries and Anr.
Vs.
The Union of India and Ors.**

(Through Video Conference)

Mr. Amarendra Nath Ray
Mr. N.C. Dey

... For the Petitioners.

Mr. Anirban Mitra

... For the Metro Railway.

The writ petitioners are aggrieved by non-receipt of payment from the Metro Railways against supply of Nylon Ferrules.

It is submitted that the payment for the first consignment installment has been made, and the payment for the second installment has become due. Supplies have been effected sometime in the year 2019. It is submitted that repeated representations have been made to the metro railway authority requesting payment, but in vain.

The fact of the matter, according to the railway, is that the quality of materials supplied in the second installment was not as per specifications.

Counsel for the petitioners denies the contentions of the railways of low quality of the second installment of supplied materials.

This Court is of the view that the matter cannot be decided under Article 226 of the Constitution of

India, since there are a large number of disputed questions of fact involved. The petitioners' remedy is before an appropriate civil or other contractual forum, as may have agreed by and between the parties.

Counsel for the metro railway, however, admits that his client ought to have replied to the representations made by the petitioners.

The respondent metro railway may, however, inform the petitioners in writing the reasons for non-payment of their dues under the second installment, in writing. Such reply may be given to the petitioners within a period of fifteen days from date.

With the aforesaid observations, the writ petition is hereby disposed of without any orders.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)