

M/S Shiv Shakti Construction Through ... vs State Of U.P. And 3 Others on 31 January, 2025

Author: Vipin Chandra Dixit

Bench: Vipin Chandra Dixit

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14534-DB

Court No. - 40

Case :- WRIT - C No. - 1351 of 2025

Petitioner :- M/S Shiv Shakti Construction Through Its Proprietor Devendra Kumar Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anand Kumar Pandey

Counsel for Respondent :- C.S.C.,Chetan Chatterjee

Hon'ble Shekhar B. Saraf,J.

Hon'ble Vipin Chandra Dixit,J.

1. Heard Sri Anand Kumar Pandey, learned counsel for the petitioner and Sri Chetan Chatterjee, learned counsel for the Electricity Corporation.
2. Learned counsel for the petitioner is permitted to implead the Director (Finance) Electricity Corporation as respondent no.5 in the array of the parties during course of the day.
3. The petitioner claims to have performed certain works in Purvanchal Electricity Distribution Corporation, Varanasi. It is asserted that a sum of Rs.2,97,36,745.84 is due and payable but such amount has not been disbursed to the petitioner without any justification.

4. Learned counsel for the Electricity Corporation submits that such claim of the petitioner can be accorded consideration by the Director (Finance) Electricity Corporation - respondent no.5.

5. In the circumstances, we permit the petitioner to approach the newly impleaded respondent no.5 by furnishing all documents in support of his claim for release of the admitted contractual dues. The petitioner's claim would be accorded consideration in terms of contract by passing necessary orders within a period of two months from the date of presentation of a certified copy of this order before it. The amount which is found due and payable shall be released within further period of six weeks. The claim of the petitioner with regard to interest in terms of the applicable contract and statute shall also be accorded consideration within the same period.

6. However, we may clarify that we have not adjudicated upon claim of the petitioner on merits and all issues relating to amount being due and payable is left open for examination at the level of the competent authority, at the first instance.

7. Accordingly, the instant writ petition is disposed of.

Order Date :- 31.1.2025 P.P. (Vipin Chandra Dixit, J.) (Shekhar B. Saraf, J.)