

Court No. - 3

Case :- WRIT - C No. - 30669 of 2022

Petitioner :- Ems Infracon Pvt. Ltd.

Respondent :- Uttar Pradesh Jal Nigam (Upjn) And Another

Counsel for Petitioner :- Raghav Dwivedi, Ravindra Narayan Singh, Vishal Kashyap

Counsel for Respondent :- C.S.C., Sanjay Kumar Om, Suresh Singh, Vimlesh Kumar Rai

Hon'ble Surya Prakash Kesarwani, J.

Hon'ble Jayant Banerji, J.

Heard Sri H.N. Singh, learned Senior Advocate, assisted by Sri Ravindra Narayan Singh, learned counsel for the petitioner and Sri Vimlesh Kumar Rai, learned counsel for the respondent No.1, learned standing counsel for the respondent no.2 and Sri Sanjay Kumar Om, learned counsel for the respondent nos. 3, 4 & 5.

Petitioner did certain work under contract awarded by the respondent. There arose some dispute regarding payment of the contract work, therefore, he made a reference to the adjudicator in terms of the Clause 1.6.1 of the agreement. The adjudicator gave its ex parte decision on 21.11.2021 making an award of Rs.33,94,54,996/- in favour of the petitioner. Since the respondents have neither paid the awarded amount within 60 days nor have invoked arbitration clause as provided in para 1.6.2 of the agreement, therefore, the petitioner has filed the present writ petition seeking relief for a mandamus to the respondents to pay the awarded amount.

Learned counsel for the respondent Nos.3, 4 & 5 pray for and are granted a week's further time to obtain instructions.

Put up as a fresh case on 24.01.2023.

Order Date :- 17.1.2023/vkg