

**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.**

The contention of learned counsel for the petitioner is that the decision of the adjudicator has become final in terms of the contract and, therefore, amount as mentioned in the prayer clause of the writ petition is liable to be paid by the respondents.

Sri Sanjay Kumar Om, learned counsel for respondent nos. 3,4,5 and 6 states, on instructions, that respondent no. 3,4,5, and 6 have no concern in this matter as they were not party before the adjudicator. He further states that concerned respondents are respondent nos. 1 and 2.

In view of the statement made by learned counsel for respondent nos. 3,4,5 and 6 as aforementioned, we direct respondent no.2 to file a counter affidavit by means of his personal affidavit within two weeks. Respondent nos. 3,4,5 and 6 may also file counter affidavit, if they wish to contest the matter.

List/put up in the additional cause list **on 7.2.2023.**

**Order Date :-** 24.1.2023

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