

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3848 of 2015

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M/s Mahalakshmi Construction through its Proprietor Rajive Ranjan Kumar aged about 39 years, son of Sri Vidya Sagar Singh Resident of Mohalla- Gourakshani P.O. & P.S Sasaram, District- Rohtas, Bihar.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Rural Works Department, Govt.of Bihar, Visheswariaya Bhawan, Patna.
2. The Engineer-In-Chief, Rural Works Department, Govt. of Bihar, Visheswaraya Bhawan, Patna.
3. The Chief Engineer-I, Rural Works Department, Govt. of Bihar, Visheswaraya Bhawan, Patna.
4. The Superintending Engineer Rural Works Department, Sasaram Circle Takiya Sasaram, Rohtas.
5. The Executive Engineer Sri Narendra Kumar Singh Rural Works Department, Sasaram Division-II, Gourakshani, Sasaram, Rohtas.
6. The Assistant Engineer, Rural Works Department, Sasaram Division-II, Gourakshani, Sasaram, Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anup Kumar, Advocate
For the State : Mr. R.K.Chandran A.C. to G.P.1

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-04-2015

Heard learned counsel for the petitioner and the State.

Claim of the petitioner is that the impugned decision communicated to the petitioner vide Annexure 1, which is a letter dated 11.12.2014 by which the contract agreement has been cancelled and order for recovery of Rs. 17,85,358/- has been passed by the Executive Engineer, Rural Work Department, Sasaram



(respondent no. 5), is in violation of the direction of the Bihar Public Works Contracts Disputes Arbitration Tribunal, Bihar, Patna contained in the order dated 19.12.2013 passed in the Reference Case No. 104/2013 which has been appended as Annexure 1/A. It is submitted that matter was pending in Reference Case and an interlocutory application was filed by the petitioner for settlement of the issue but reply was not being filed then the Tribunal ordered that no step shall be taken against the petitioner which would amount to interference in the matter. However, the contract itself has been terminated vide Annexure 1 without letting the issue raised by petitioner to be decided by the Tribunal which amounts to interference in the proceeding of the Tribunal.

It is submitted that since the Tribunal was not working, as the term of the earlier Chairman had already expired, this writ application was filed. However, I have been informed by the State that the Tribunal would start functioning by next week as new Chairman has already assumed charge.

In such situation, this writ application is being disposed of granting liberty to the petitioner to approach the Tribunal itself for the redressal of his grievance as Reference Case No. 104/2013 is still pending which is related with the same contract which has now been terminated by Annexure 1. Petitioner would be

required to file proper application before the Tribunal and would make a prayer for early listing of the case in the present facts and circumstances.

However, since Annexure 1 has apparently been passed after the order dated 19.12.2013 in Reference Case No. 104/2013 granting interim relief to the petitioner, the same would remain stayed for a period of eight weeks and in the meantime the petitioner would be required to make a motion before the Tribunal for hearing of the matter.

(Dr. Ravi Ranjan, J)

Spd/-

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