

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5667 of 2015

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M/s. Amitabh Constructions Private Limited, P.O: Koderma, District: Koderma (Jharkhand) through its Attorney namely Abhimanyu Prasad Singh, son of Late Tarni Prasad Singh, resident of Village: Malhipur, P.O: Saligrami, District: Begusarai.

.... Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O. & P.S: Hajipur, District: Vaishali.
2. The Chief Administrative Officer, Construction, East Central Railway, Hajipur
3. The Chief Administrative Officer Construction, East Central Railway, North, Mahendrughat, Patna
4. The Chief Engineer, Construction (North), East Central Railway, Mahendrughat, Patna
5. The Deputy Chief Engineer (Construction)-I, East Central Railway, Samastipur
6. The D.G.M. Law, North East Central, Railway, Mahendrughat, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Shekhar Kumar Singh, Advocate

For the Respondents : Mr. Mahesh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2015

The present writ petition has been filed for quashing the order dated 22.08.2014 passed by the Chief Engineer, Construction, East Central Railway, Patna, disposing of the claim of the petitioner in respect of payment for the work done by it in terms of the contract between the parties.

2. Learned counsel for the petitioner invites attention to the order of this Court passed in CWJC No.4219 of 2014 whereby contention of the petitioner on the basis of Annexure-9 was duly noticed to the effect that the delay had been caused “on account of



the respondent-railways itself which was due to the transfer of the projects and non-availability of the funds during the year 2009-10”. In that backdrop of the matter, the writ application was disposed of with direction to respondent no.4 to consider and dispose of the claim of the petitioner. It is further submitted that in the above view of the matter, the delay caused on the part of the respondents ought to have been specifically discussed in the impugned order and as a matter of fact, the petitioner is entitled to further payment on the basis of such claim.

3. Learned counsel for the respondents, on the other hand, invites attention to the impugned order which discloses that “no claim certificate” vide letter dated 16.10.2012 had been given by the petitioner-Company itself and thus, any further claim thereafter is ex-facie misconceived.

4. Having regard to the nature of the order dated 22.08.2014 passed by the respondent no.4 as well as nature of the dispute now sought to be raised by the petitioner, this Court is of the view that the issue cannot be adjudicated by this Court in its writ jurisdiction. Moreover, the basis of the petitioner’s claim with regard to delay attributable to the respondents remains as before and had already been taken note of in the earlier writ petition in CWJC No. 4219 of 2014.

5. In the above view of the matter, this Court finds no merit in the writ application and the same stands dismissed. The petitioner is always at liberty to raise its grievances before the appropriate forum in accordance with law.

(Vikash Jain, J)

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