

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6618 of 2015

=====

M/s J.K.M. Infra Projects Limited, a company registered under the Companies Act having its registered office at C-84, Greater Kailash Part-1, New Delhi-110048 and its Regional Office at Flat No. 403, Gorakh Nath AND Apartment, East Boring Canal Road, Patna- 800001 (Bihar) through its authorized signatory Mr. Ashish Jalan, aged about 44 years, Son of Late Mahavir Prasad Jalan, presently posted as D.G.M Fiannce, J.K.M Infra Projects, at Flat No. 403, Gorakh Nath & Leela Apartment, East Boring Canal Road, Patna-800001, Bihar

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department.
2. The Principal Secretary, Rural Works Department, Government of Bihar.
3. The Engineer-in-Chief Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer Rural Works Department, Bihar
5. The Superintending Engineer, Rural Works Department, Work Circle, Sasaram, Bihar.
6. The Executive Engineer, Rural Woks Department, Work Division-I, Sasaram, Bihar.
7. Mr. Narendra Singh, Executive Engineer, Rural Works Department, Works Division, Sasaram, Bihar.

.... Respondents

=====

Appearance :

For the Petitioner : M/s. Y.V. Giri, Senior Advocate and
Sanjeev Kumar, Advocate

For the Respondents : Mr. Sandeep Kumar, G.A.8

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 13-05-2015

This writ application has been filed for grant of

following reliefs :-

“ i) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondent authorities to pay the petitioner company the expenses incurred on carriage for aggregates, reimbursement of royalty, to make outstanding payment, refund of amount deducted towards extension of time, payment of escalation cost and issuance of direction to the respondent authorities to extend proper cooperation

to the petitioner company for completion of remaining work and in event of non cooperation for completion of remaining work, direction be issued to the respondent authorities to foreclose the agreement.

ii) To any other relief or reliefs to which the petitioner company is entitled to, in the facts and circumstances of the case.”

However, in view of limited prayer made at the time of hearing on behalf of the petitioner, this writ application is being disposed of with a liberty to the petitioner to approach the Bihar Public Works Contracts Disputes Arbitration Tribunal as it has been pointed out by the learned counsel for the State also that the petitioner has alternative remedy before the Tribunal.

The respondents are directed not to take any coercive action against the petitioner within a period of four weeks or seeking interim protection whichever is earlier within which the petitioner would be at liberty to approach the Tribunal and also file a petition for grant of interim protection which would be required to be considered by the Tribunal on its own merit and in accordance with law without being prejudiced by grant of interim protection by this Court.

(Dr. Ravi Ranjan, J)

N.H./-

U			
---	--	--	--