

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.13 of 2014

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M/s Ganesh Ram Dokania

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 09-01-2015

Heard learned counsel for the petitioner and for the respondents.

In this case it appears that there was an agreement between the petitioner and the Railways for earth work and construction of minor bridges in connection with construction of new BG line between Daniawan – Biharsharif (KM 25-28). During construction period, agreement was terminated. Against that, petitioner approached this Court in CWJC No. 15074 of 2008 but this Court refused to entertain the writ petition with liberty to move before the appropriate forum. Petitioner has opted to initiate a proceeding under the Arbitration Act but in pursuance thereof the Railway constituted Arbitration Tribunal and the Presiding Officer was transferred to Bhubneshwar and the co-arbitrator did not attend the proceeding even for a single day.

Petitioner again approached the authorities for

constitution of fresh Tribunal as he was not getting any reply from the Railways, but of no avail, as such, being compelled, he approached this court in the present proceeding.

In the counter affidavit, it has been stated that the respondent has started the process of Constitution of fresh Tribunal.

In view of the statement made in Para-8 of the counter affidavit, this Court is disposing of the writ petition with a direction to the Railways to constitute the Tribunal within a period of three months which will conclude the proceeding within eight months after its first sitting.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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