

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1455 of 2015

=====

Umesh Singh Son of Late Padmanath Singh, Resident of Mohallah- Maulabag, behind Rishala, P.S. Ara (Nawadah), P.O. Ara, District- Bhojpur at Ara, Pin Code- 802301 (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-cum- Additional Secretary, Rural Works Department, Government of Bihar, Patna.
3. That the Executive Engineer, Rural Works Department, Works Division, Sasaram (Bihar).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-02-2016

Heard learned counsel for the parties.

The petitioner has challenged the order dated 20.10.2014 passed by the respondent no. 3 by which the agreement of the petitioner has been terminated and the advance seized and there is order of recovery of Rs.2,91,540/-. Learned counsel for the petitioner submits that the same is not justifiable in the facts of the case.

Learned counsel for the State raises a preliminary objection and submits that the matter involves disputed questions of fact and thus should be referred to the Bihar Public Works Contract Disputes Arbitration Tribunal (hereinafter referred to as the 'Tribunal').

In view of the aforesaid, learned counsel for the

petitioner seeks permission to withdraw the application with liberty to move before the Tribunal within one month from today.

Accordingly, the writ petition stands disposed off with the aforesaid liberty. If the petitioner moves before the Tribunal within 4 weeks from today along with a copy of this order the Tribunal shall decide the matter expeditiously and in any case within four months from the date of the petitioner moving before it.

Till then the order for recovery of Rs. 2,91,540/- shall be kept in abeyance and the same shall be subject to the decision by the Tribunal.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U		T	
---	--	---	--