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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21114 of 2012

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Sanjeev Kumar Son of Late Sachhida Nand Singh Resident of Village - Sona, Police Station - Naubatpur, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Building Construction Department, Govt. of Bihar, Patna
3. The Chief Engineer, Building Construction Department, Govt. of Bihar, Patna
4. The Superintending Engineer, Building Circle, Patna, Building Construction Department, Patna
5. The Executive Engineer, Patna City Building Division, Gulzarbagh, Patna
6. The Assistant Engineer, Nalanda Medical College Building, Sub Division, Building Construction Department, Patna
7. The Assistant Engineer, Quality Control, Road Sub-Division, Patna City (Gulzarbagh), Patna

.... Respondents

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Appearance:

For the Petitioner : Mr. Bindhyachal Singh, Advocate
Mr. Prabhat Kumar, Advocate

For the State : Mr. Raghwanand, G.A 11
Mr. Sanjay Kumar Tiwary, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 02.07.2012 contained in letter no. 1650 issued under the signature of the Executive Engineer, Patna City Building Division, Gulzarbagh, Patna whereby the contract for the work of repair and renovation of new nurses hostel building at NMCH campus, Agam Kuan for the year 2011-12, bearing Agreement No. 287 F2 of 11-12 valued at Rs. 54,60,075/- has been rescinded as per the conditions contained in

clause (3) of the agreement by forfeiting the security money.

3. At the very outset learned counsel for the petitioner fairly accepts that adjudication of the claim of the petitioner would involve disputed questions of fact. It is also accepted that the forum of arbitration is available to the petitioner for resolution of the disputes between the parties and for the redressal of the grievances raised in the present writ petition.

4. Having regard to the stand of the petitioner, the writ petition stands disposed of with liberty to the petitioner to seek redressal by approaching the forum of arbitration in accordance with law.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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