

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.17 of 2015

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M/s R.S. Panday and Co. through the Managing Director, Mr. Dinesh Pandey,
resident of Majhulia Road, Dist. Muzaffarpur 842 002.

.... Petitioner

Versus

1. Govt. of India through Secretary, Central Public Works Department under Ministry of Urban Development and Poverty Alleviation, New Delhi – 110001.
2. The Executive Engineer, PMGSY, Project Division, C.P.W.D., Madhubani 847 211.
3. The Project Manager, PMGSY Project Circle, CPWD, Pant Bhawan, Bailey Road, Patna 800 001.
4. The Chief Engineer, CPWD., 7th Floor, Pant Bhawan, Bailey Road, Patna – 800 001.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhakar Nath Rai, Advocate

For the Respondents : Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-04-2016

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

2. The present petition has been filed for appointment
of an Arbitrator in terms of Clause 24 of the Standard Bidding
Document (SBD) for Pradhan Mantri Gramin Sadak Yojna
(PMGSY) (Annexure-4).

3. At the very outset this Court takes note that the said
Clause 24 provides for dispute redressal system through decision
of the competent authority against which a forum of appeal has
also been provided before the Standing Empowered Committee.

The appellate forum has since been exhausted by the petitioner pursuant to order dated 10.12.2013 passed by this Court in CWJC No. 8160 of 2011. It is further noted that Clause 25.1 of the SBD reads as follows:-

“In view of the provision of the Clause 24 on Dispute Redressal System, it is the condition of the Contract that there will be no arbitration for the settlement of any dispute between the parties.”

4. Having regard to the provisions of the aforesaid Clause 25.1 of the SBD which categorically excludes the forum of arbitration between the parties, the present petition is not maintainable.

5. This Request Case is accordingly dismissed.

(Vikash Jain, J)

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