

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2257 of 2015

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M/s Punj Llyod Ltd. a registered company under the Companies Act, 1956 having its registered office is situated at 17-18, Punj Lloyd House, Nehru Place, New Delhi, through its Authorised Representative Sri Ravi Prakash, aged about 50 years, son of Sri Nawal Kishore Srivastava resident of 401, Sun, Sai Apartment, Maurya Path, Near Shyamal Hospital, Khajpura, P.O. Rajiv Nagar, P.S. Khajpura, District Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health and Engineering Department, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Old Secretariat, Patna, Bihar.
3. The Engineer in Chief cum Special Secretary, Public Health and Engineering Department, Government of Bihar, Old Secretariat, Patna, Bihar.
4. The Executive Engineer, Public Health and Engineering Division, Biharsharif, Bihar.
5. The Executive Engineer, Public Health and Engineering Division, Patna West, Patna, Bihar.
6. The Executive Engineer, Public Health and Engineering Division, Bhagalpur, Bihar.
7. The Executive Engineer, Public Health and Engineering Division, Patna East, Patna, Bihar.
8. The Branch Manager, J & K Bank, Phulwarisharif Branch, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 2577 of 2015

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M/s Punj Lloyd Ltd. a registered company under the Companies Act, 1956 having its registered office is situated at 17 - 18, Punj Lloyd House, Nehru Place, New Delhi through its Authorised Representative Sri Ravi Prakash, aged about 50 years, son of Sri Nawal Kishore Srivastava resident of 401, Sun Sai Apartment, Maurya Path, Near Shyamal Hospital, Khajpura, P.O. Rajiv Nagar, P.S. Khajpura, District - Patna, Bihar.

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Versus

1. The State of Bihar through the Principal Secretary, Public Health and Engineering Department, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Old Secretariat, Patna, Bihar.
3. The Engineer in Chief cum Special Secretary, Public Health and Engineering Department, Government of Bihar, Old Secretariat, Patna, Bihar.
4. The Executive Engineer, Public Health and Engineering Division, Munger, Bihar.
5. The Branch Manager, Jammu & Kashmir Bank, Phulwarisharif Branch, Haroon Nagar, Sector - 1, Near Mahavir Cancer Sansthan, Phulwari Sharif, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamal Nayan Choubey, Sr. Advocate.
Mr. Anand Kumar Ojha,
Mr. Ashok Kumar Karna &
Mr. Ravindra Kumar Singh, Advocates.
For the State : Mr. Rajeev Ranjan Prasad, Advocate.
Mr. Mithilesh Kumar Pathak, S.C. 7
Mr. Arun Kumar Prasad, A.C. to S.C. 7.
Mr. Prabhat Kumar Singh, S.C. 12.
Mr. Tipuuddin Khan, A.C. to S.C. 12.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-01-2016

Heard Mr. Kamal Nayan Choubey, learned senior counsel assisted by Mr. Anand Kumar Ojha, for the petitioner and Mr. Rajeev Ranjan Prasad, learned counsel for the State.

Though the Court had heard the matter at length for a few days but in the midst of arguments today, a consensus has been arrived at that the issue would more properly be adjudicated before the Bihar Public Works Contract Disputes Arbitration Tribunal (hereinafter referred to as the 'Tribunal'). As there was apprehension in the mind of the petitioner as to whether all the issues including blacklisting and relief sought for in the writ petition are arbitrable before the Tribunal, learned counsel for the State submits that in view of various decisions of the Courts, the Tribunal has powers to go into all aspects and even grant injunction pending final decision in matters before it.

In view of the aforesaid, as prayed for by learned counsel for the petitioner, the writ petitions stand disposed off as withdrawn with liberty to the petitioner to move before the

Tribunal where he shall further be at liberty to move a petition seeking interim protection in terms of what this Court had granted in the present proceeding. For the said purpose, the Court deems it appropriate to grant the same protection, which has been granted in the present proceeding to him, for the next two months subject to the bank guarantees being renewed/fresh ones submitted to the authorities latest by 23rd January, 2016. It is expected that if the Tribunal is not able to finally adjudicate the matter, within the next two months, it will at least consider the prayer for interim protection within the said period so that the petitioner is not put to any disadvantage due to the matter not being finally decided.

(Ahsanuddin Amanullah, J.)

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