

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14622 of 2011

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M/s Shankar Prasad Singh & Company Vill. At & P.O. Sihma, P.S. Matihani, Distt.- Begusarai, Bihar through its Partner Sri Shankar Prasad Singh, S/O Late Badri Singh, Vill. At & P.O. Sihma, P.S. Matihani, Distt.-Begusarai, Bihar.

.... Petitioner/s

Versus

1. The Union of India through General Manager Zonal Office East Central Railway, Hajipur, Vaishali.
2. Dy. Chief Engineer-Iv, Workshop Projects, Chamber Bhawan, J.C. Road, Patna East Central Railway.
3. Finance Advisor & Chief Accounts Officer, Workshop Project, East Central Railway, Patna.
4. The Executive Engineer-II, Workshop Project, East Central Railway, Patna.
5. The Asst. Engineer III CRWP, East Central Railway, JC Road, Patna.
6. M/s Shatrughan Chaudhary, D-1/35, Dalmia Nagar, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Verma, Adv. Mr. Saroj Kumar Sharma, Adv.
For the Railway	:	Mr. Anil Kumar Sinha, Adv. Mr. Abhimanyu Deo, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-05-2016

Heard learned counsel for the petitioner and the respondents.

2. The present writ petition has been filed for quashing the order dated 30.05.2011 under memo no. 623 issued by Dy. Chief Engineer (respondent no. 2) whereby the contract under Agreement No. 209/Workshop Project (CRWP)Engg/08, dated 23.03.2010, for lifting, laying of BG Railway Tracks, Points and crossing and yardline inside the workshop premises boundary, has been terminated/rescinded unilaterally and SD and PG forfeited, and for connected reliefs.

3. At the very outset, this Court takes note that remedy by way of Arbitration is available to the petitioner for the relief sought in the writ petition in terms of Clause 64 of the General Condition of Contract.

4. In that view of the matter, this Court is not inclined to interfere in the matter to exercise its extraordinary writ jurisdiction. The writ petition accordingly stands disposed with liberty to the petitioner to invoke the Arbitration Clause for redressal of its grievances. It is made clear that this Court is not expressing any opinion on the merits of the matter.

5. It is made clear that in case such a petition is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	16.05.2016
Transmission Date	