

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14413 of 2014

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M/s Singh Construction, New Satpura Colony, Post Office Lane, Aghoria Bazar, Muzaffarpur, P.O. Satpura, P.S. Kazi Mohammadpur, District Muzaffarpur through its partner Shailesh Kumar Singh, S/o Late Baleshwar Singh Resident of New Satpura Colony, Post Office Lane, Aghoria Bazar, Muzaffarpur, P.O. Satpura, P.S. Kazi Mohammadpur, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Chief Engineer-3, Hajipur Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, Rural Works Department, Works Division, Muzaffarpur.
5. The Assistant Engineer, Rural Works Department, Works Division, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Chandan, Advocate

For the Respondent/s : Mr. SC25-ARVIND UJJWAL

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-03-2016

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 20.08.2013 issued under the signature of the Respondent No. 4 and contained in his letter No. 1572 dated 20.08.2013, whereby and whereunder the Respondent No. 4 has been pleased to direct the petitioner to start the construction of Paharpur Bandh to Bahadupur Bandh Road under Pradhan Mantri Gramin Sadak Yojna (P.M.G.S.Y.) for which the work order was issued on 30.11.2009, the agreement was signed on 23.02.2010 being agreement No. 63/SDB/2009-10 under Package No. BR-

23R-IV and for connected reliefs.

3. At the very outset, it is observed that the nature of the dispute raised by the petitioner arises out of a contract between the parties and appears to be in the nature of arbitrable dispute.

4. In that view of the matter, this Court is not inclined to interfere nor examine the claim of the petitioner on merits. The writ petition is disposed of with liberty to the petitioner to seek remedy by approaching the Tribunal constituted under the Bihar Public Works Contract Disputes Arbitration Tribunal Act, 2008.

5. It is made clear that if the petitioner approaches the aforesaid Tribunal, the Tribunal 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)

Chandran

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