

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1970 of 2015
IN
Civil Writ Jurisdiction Case No. 5440 of 2013**

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Rajeev Ranjan Singh, Proprietor Satya Sai Construction S/O Shri Krishna Deo Singh Resident Of Village- Colony No. 1, P.S- Katihar Sadar, District- Katihar.

.... Appellant

Versus

1. The State of Bihar of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Engineer-in-Chief National Highway Division, RCD Patna.
3. The Executive Engineer, N.H. Division, Bhagalpur.
4. The Superintending Engineer, NH Circle Bhagalpur.
5. Chief Manager, P.B. Branch Adampur Bhagalpur State Bank of India.
6. Chief Manager, Allahabad Bank, Branch- Katihar.

.... Respondents

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Appearance :

For the Appellant : Mr. Ajay Kumar Singh, Advocate
For the Respondent State: Mr. Birju Prasad, GP-13
Mr. Amresh, AC to GP-13
Mr. Ashok Kumar, AC to GP-13

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 31-01-2017

In the larger interest of justice and for the reason indicated in the Interlocutory Application for condonation of delay of 217 days, delay is condoned. I.A. No. 8756 of 2015 is allowed. Matter is thereafter taken up on merits.

Heard counsel for the appellant and counsel for the State.

Looking at the nature of dispute raised, arising from a contract awarded to the appellant by the State of Bihar and the nature



of the dispute going on between the parties, the Court has rightly held that the only forum for the petitioner would be to invoke the arbitration clause and move the forum created in this regard by the State of Bihar. Instead of doing so, the appellant has wasted valuable time by pursuing the matter in appeal when no interference is required since the learned single Judge was not required to exercise discretion under Article 226 of the Constitution of India when alternative remedy is available.

The appeal is dismissed.

The forum is still available to the appellant, if he would like to invoke its jurisdiction.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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