

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2122 of 2015

In

Civil Writ Jurisdiction Case No.20839 of 2014

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M/s Sri Ram Jivan Singh & Co. through its Partner Ram Jivan Singh Son of Sri Shiv Shankar Singh Resident of Village and Post Sadanandpur, Police Station Balia, District - Begusarai.

... .. Appellant/s

Versus

1. The Bihar Industrial Area Development Authority through its Managing Director 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 4.
2. Managing Director, Bihar Industrial Area Development Authority, 1st Floor Udyog Bhawan, East Gandhi Maidan, Patna - 4.
3. The Executive Engineer, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 4.
4. The Assistant Engineer, Bihar Industrial Area Development Authority, Bhagalpur.
5. The Junior Engineer, Bihar Industrial Area Development Authority, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Dhar Jha, Advocate
Mr. Alok Kumar, Advocate
For the Respondent BIADA: Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 18-09-2017

Heard counsel for the appellant and counsel for the respondent BIADA.

The appellant cannot derive the advantage of his own inaction or nonperformance which compelled the respondent State authorities to annul the contract. The work completion period was specified for six months, nothing was done for



almost three months in terms of any kind of activity on behalf of the appellant. It was in these circumstances that the hands of the respondent State was forced and the learned single Judge did not find any ground to interfere with such decision. However, an opening has been provided to the appellant in terms of the arrangement in place, he may either wait for invoking the jurisdiction of the Tribunal or may try for an arbitration as it may suit it.

No interference is warranted with the order of the learned single Judge.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.09.2017
Transmission Date	N.A.

