

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1947 of 2016
IN
Civil Writ Jurisdiction Case No. 16863 of 2012**

- =====
1. M/s Mateshwari Construction, a proprietorship firm having its Office at Mamka Niwas, Chitaur Nagar, New Area Aurangaba, through its proprietor Dilip Kumar Singh son of Late Rajdeo Singh, resident of Mamka Niwas, Chitaur Nagar, New Area, Aurangabad, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Public Health and Engineering Department, Government of Bihar, Patna. null null
3. The Regional Chief Engineer, Public Health and Engineering Department, Patna Region, Patna. null null
4. The Superintendent Engineer, Public Health and Engineering Department, Sasaram Circle, Sasaram.
5. The Executive Engineer, Public Health and Engineering Department, Public Health Division, Sasaram.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Raj Kishore Prasad, Advocate
For the State	:	Mr. S. Raja Ahmad, AAG 5 Mr. Vishwambhar Prasad, AC to AAG 5

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 13-01-2017

Learned counsel for the appellant states that instead of relegating the appellant to the remedy under the Arbitration and Conciliation Act, 1996, the appellant be relegated to the remedy under the Bihar Public Works Contract and Disputes Arbitration Tribunal Act, 2008.



Learned counsel for the State has no objection to such modification in the order.

Consequently, the present appeal is disposed of with liberty to the appellant to avail the remedy as provided under Bihar Public Works Contract and Disputes Arbitration Tribunal Act, 2008.

It shall be open to the appellant to seek exclusion of period spent in the writ proceeding before the Tribunal in accordance with law.

(Hemant Gupta, ACJ)

Anil/-

(Dinesh Kumar Singh, J)

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

