

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13138 of 2017

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M/s IVRCL Ltd., having its Bihar Regional Office at H. No.14, Flat No.A1, Kamta Sadan Apartments, Kamta Singh Kam Lane, Near Oro Dental Clinic, East Boring Canal Road, Patna, Bihar - 800001, through the Regional Head, Shri Pammi Edward Silvistor, S/o Shri Ratna Raju,

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief-cum-Spl. Secretary, Govt. of Bihar, Public Health Engineering Department, Patna.
3. The Chief Engineer, Public Health Engineering Department, Bhagalpur Area, Bhagalpur.
4. The Superintending Engineer, Public Health Engineering Department, Public Health Engineering Circle, Bhagalpur.
5. The Executive Engineer, Public Health Engineering Department, PH Division, Bhagalpur West, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : Mrs. Namrata Mishra,
Mr. Alok Ranjan, Advocates

For the Respondents : Mr. Vikas Ratan Bharti, AC to GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-11-2017

The present writ petition has been filed for the following
reliefs –

“ (I) For direction to the Respondent no. 5 not to take any coercive action against the petitioner including encashment of Bank Guarantee in the light of letter no. 1103 dated 31.08.2017 issued by Respondent no. 5 (Executive Engineer) threatening to take action under clause 1A, 2, 3, 14 & 53 of the Agreement.

(II) For direction to the Respondents to grant time till March 2018 for completing the Water Supply Project in Sultanganj and Nathnagar blocks of Bhagalpur district in view of the delay caused by the Respondents and



circumstances beyond the control of petitioner-company.

(III) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

2. At the very outset, learned counsel for the petitioner fairly accepts that the instant grievances can be raised before the Bihar Public Works Contracts Disputes Arbitration Tribunal.

3. In the above circumstances, this Court is not inclined to enter into the merits of the matter. The writ petition stands disposed of, granting liberty to the petitioner to approach the aforesaid Bihar Public Works Contracts Disputes Arbitration Tribunal for redressal of its grievances, with an observation that if the petitioner approaches the Tribunal along with a prayer for interim relief within a period of three weeks from today, the respondents shall refrain from taking any coercive action until disposal of the petitioner’s petition for interim relief by the Tribunal.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.11.2017
Transmission Date	N.A.

