

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6184 of 2018

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1. M/s Rajan Construction Through Its Proprietor Mamta Singh, Wife of Sri Rajan Kumar Singh, Resident of Mohalla-Block More, Old G.T. Road, Aurangabad, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Patna.
2. The Engineer-in-Chief-Cum Additional Commissioner-Cum-Special Secretary, Road Construction Department, Bihar, Patna.
3. The Chief Engineer (North), Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, Road Construction Department, Muzaffarpur.
5. The Executive Engineer, Road Division No.-1, Road Construction Department, Muzaffarpur.
6. The Executive Engineer, Fkying Square Division no.-2, Road Construction Department, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv

For the Respondent/s : Mr. RAJ BALLABH PD.YADAV AAG11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-05-2018

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

- (i) *For issuance of an appropriate writ directing and commanding the respondents to quash the office order no. 225 dated 19.12.2017 contained in Memo No. 7205(E) issued by the respondent no. 2 whereby and whereunder suspended the contract licence of the petitioner for next two years as well as directed for recovery of amount of bitumen less used by the petitioner in construction of road Devariya-Baruraj under Muzaffarpur Road Division No. 1 in the year 2011-12.*
- (ii) *For issuance of an appropriate writ directing and commanding the respondents to quash the order dated 19.03.2018 contained in memo no. 2045(E) passed by the Respondent no. 1, the Principal*



Secretary, Road Construction Department, Bihar, Patna whereby and whereunder rejected the application under appeal filed by the petitioner.

(iii) For issuance of any other writ/writs/order/orders to which the petitioner may be found entitled to.

2. At the very outset, learned counsel for the respondents raises a preliminary objection with regard to non-maintainability of the writ petition in view of alternative remedy by way of arbitration under Clause 25 of the S.B.D.

3. Learned counsel for the petitioner however, submits that the impugned action of the respondents is arbitrary and thus requires interference by this Court.

4. Having considered the submissions on behalf of the parties on the preliminary issue, this Court is of the view that the dispute between the parties arises out of contract and is amenable to arbitration.

5. In the above view of the matter, the writ petition is dismissed with liberty to the petitioner to invoke arbitration for redressal of its grievances, if so advised, in accordance with law.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2018
Transmission Date	NA

