

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15680 of 2013

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Amit Bharti S/O Radheshwar Prasad Residence Of Village- C/O Dr. Anand
Ranjan Flat No.- D/51, New Bypass, Transport Nagar Bari Pahari, District
Patna

... .. Petitioner/s

Versus

1. The Union Of India, Through Chairman, Railway Board, New Delhi
2. The General Manager, East Central Railway, Hazipur, Vaishali, Bihar
3. The Divisional Railway Manager, (Head Quarter) East Central Railway,
Danapur, Patna
4. The Assistant Divisional Engineer, (Work), East Central Railway, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Adv
For the Respondent/s : Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 17-12-2018

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The present writ petition has been filed for
quashing the order dated 18.07.2012 whereby and
whereunder the contract agreement no. W-7,
125/Misc./Patna/Open/2008-09 dated 29.09.2010 was
rescinded and the security and earnest money as well as
value of work done to that date was forfeited without having
any valid reason; and for connected reliefs.

3. At the very outset, this Court takes note that
remedy by way of arbitration is available to the petitioner



for the relief sought in the writ petition.

4. In that view of the matter, this Court is not inclined to interfere in the matter to exercise its extraordinary writ jurisdiction. The writ petition accordingly stands disposed of with liberty to the petitioner to invoke the arbitration clause for redressal of his grievances. It is made clear that this Court is not expressing any opinion on the merits of the matter.

5. It is made clear that in case such an application is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2018
Transmission Date	NA

