

Nitesh Kumar S/O Ram Niwas Singh R/O Shail Niwas, S.S. Nagar, Court
Area, Jehanabad - 804408

Versus

- ... Respondent/s

For the Petitioner/s : Mrs. Namrata Mishra, Adv
For the Respondent/s : Mr. Anil Kumar Sinha, Adv
`Mr. Yash Mathur, Adv

Date : 04-12-2018

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

(i) For quashing of the order contained in letter no. W/584/DHN/2012-13/Open/26/4 dated 03/05.06.2013 issued by the respondent no. 3, whereby and whereunder the contract agreement no. 128M/DHN/2012-13 dated 08.03.2013 in connection with replacement of old damaged door, window and grill in quarters at Dhanbad has been rescinded and the petitioner has been debarred from participation in tendr for execution of the balance work under the said contract and order has been issued for forfeiture of his Earnest Money and encashment of Performance Guarantee.



(ii) For a direction to the respondent-East Central Railway to extend the time by four weeks and allow the petitioner to complete the work under the contract dated 08.03.2013 and issue necessary instruction in this regard.

(iii) Alternatively for a direction to the respondent-East Central Railway to refund the Earnest Money of Rs. 55,000/- and Performance Guarantee of Rs. 1,23,140/- deposited by the petitioner.

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

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	07.12.2018
Transmission Date	NA

