

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12744 of 2015

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M/s Bharat Construction through its Proprietor Md. Jamil Ansari Son of Late Yahiya Ansari, Resident of Latif Market, Chawkhandi, P.O.- Sasaram, District- Rohtas (Bihar)

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Visheswraiya Bhawan, Govt. of Bihar, Patna
2. The Secretary, Rural Works Department, Visheswraiya Bhawan, Govt. of Bihar, Patna
3. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna
4. The Superintending Engineer, Sasaram, Circle-II, Rural Works Department, Near Takiya Railway Gumti, Sasaram Rohtas
5. The Executive Engineer, Works Division, Sasaram-II, Rural Works Department, Rohtas

... .. Respondents

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Appearance :

For the Petitioner : Mr. Anup Kumar, Advocate.
For the Respondents : Mr. Gyan Prakash Ojha, GA-7
Mr. Gopal Krishna, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 21-12-2018

The present writ petition has been filed for stay of the operation of letter no. 680 dated 22.10.2013 by which the agreement of the petitioner had been rescinded; and for connected reliefs.

2. Learned counsel for the petitioner states that the matter of rescindment of the agreement is already pending adjudication before the Arbitration Tribunal. A prayer for stay of the rescindment order has also been preferred before the Arbitration Tribunal by filing an interlocutory application on 24.04.2014 and in respect of which several dates were fixed for



reply but however the matter remains pending even after lapse of more than four years.

3. Learned counsel for the respondents appears. However no counter affidavit has been filed.

4. Having regard to the nature of the grievance of the petitioner, the writ petition stands disposed of with the observation that the interlocutory application for stay said to have been filed by the petitioner on 24.04.2014 before the Arbitration Tribunal, if still pending, be disposed of expeditiously and in any event preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment. It is made clear that if the respondents in the interlocutory application do not appear or file the reply, the same shall not be an impediment in disposal of the petitioner's I.A. on its own merits.

(Vikash Jain, J)

Ibrar/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.12.2018
Transmission Date	N.A.

