

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1251 of 2016

In
Civil Writ Jurisdiction Case No.21215 of 2014

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Arun Kumar, Son of Sri Chandrashekhar Prasad Singh, resident of Mohalla-
Murarpur, Police Station- Laheri in the district of Nalanda.

... .. Appellant/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur (Vaishali).
2. The General Manager, East Central Railway, Hajipur (Vaishali).
3. The Principal of Chief, East Central Railway, Hajipur (Vaishali).
4. The Senior Divisional Engineer (I), East Central Railway, Danapur.
5. The Senior Section Engineer (W), East Central Railway, Fatuha, Patna
6. The Assistant Divisional Engineer (Line), East Central Railway, Patna Junction, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr A.B.Ojha, Sr. Advocate Mr. Sunil Kumar
For the Respondent/s	:	Mr. Ashok Kumar Keshari Mr Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

7 24-01-2018 Heard learned senior counsel for the appellant and counsel
for the Railways.

Looking at the factual position, including the legal position
that the contract has an arbitration clause, since the Railways
have rescinded the contract for non- completion within time, in
fact, it is a case where the work was not even begun before the
expiry date, dismissal of the writ application cannot be said to
be erroneous. Parties are free to invoke the arbitration clause



and proceed in accordance with law.

Appeal is otherwise dismissed.

Dismissal of the appeal in no way will be a reflection on the merit of the matter before the arbitrator, which any way will have to be decided on the materials and evidence, which will be produced by the parties.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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