

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5826 of 2016

1. M/s Patna Water Supply Distribution Network Pvt. Ltd., a private limited company registered under the Companies Act, 1956 having its registered office at Gammon House, Veer Savarkar Marg, Prabhadevi, Mumbai – 400025 through its Shah Mahendra Ujamshi, S/ Late Shah Ujamshi Ranchhoddas, Director – M/s Patna Water Supply Distribution Network Pvt. Ltd, resident of Flat No, A/303, Leela Park, Dahanukar Wadi, Kandivli (w), Mumbai-400067.

2. M/s Gammon India Limited, a company registered under the Companies Act, 1956 having its registered office at Gammon House, Veer Savarkar Marg, Prabhadevi, Mumbai – 400025 through its person authorized Sri Shah Mahendra Ujamshi, S/o Late Shah Ujamshi Ranchhoddas resident of Flat No, A/303, Leela Park, Dahanukar Wadi, Kandivli (w), Mumbai-400067

... .. Petitioner/s

Versus

1. Bihar Urban Infrastructure Development Corporation Limited, 303, Maurya Tower, Budha Marg, Patna through its Managing Director;

2. Chief General Manager, BUIDCO, 303, Maurya Tower, Budha Marg, Patna;

3. Project Director, SIU- 1, BUIDCO, MauryaLok Complex, Budha Marg, Patna.

4. The Manager (Finance), BUIDCO, 303, Maurya Tower, Budha Marg, Patna.

5. The Patna Municipal Corporation through the Municipal Commissioner, Maurya Lok Campus, Patna.

6. State of Bihar through the Principle Secretary-Cum-Commissioner, Department of Urban Development, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Adv. Mr. Prince Kumar Mishra, Adv.
For the State	:	Mr. Vinay Kirti Singh, GA-2 Mr. Kunal Tiwary, AC to GA-2
For the PMC	:	Mr. Prasoon Sinha, Adv.
For the BUIDCO	:	Mr. Rabindra Kumar Priyadarshi, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 25-07-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the Respondent- Bihar Urban Infrastructure Development Corporation Limited.

Petitioners were given tender for design, construction, installation, commissioning, management, operation and maintenance of intake RWPH 220MLD Water Treatment Plant



and Water Supply Distribution network in Patna, Bihar under the JNNURM scheme on DBO basis vide N.I.T No. BUIDCo/Yo-30/10(IV)-31. The said tender and the contract was terminated on 24.07.2014.

Without going into the merit of the case the sole Arbitrator has been appointed pursuant to the order of the Apex Court in SLA (Civil) No. 36529 of 2016 dated 05.01.2018 and the sole Arbitrator is already in seision of the matter regarding termination of contract.

The petitioners in the present writ application has challenged the subsequent order dated 27.05.2015 by which the petitioners has been blacklisted and the appellate order dated 17.02.1016 by which his appeal before the Principal Secretary, Urban Development and Housing Department, Government of Bihar has failed. Petitioners have filed I.A. No. 4803 of 2018 seeking a direction for settling the issue of blacklisting of the petitioners also before the sole Arbitrator and seeks permission to withdraw the present application if the issue of blacklisting vide order dated 27.05.2015 is also referred to the Arbitrator. I.A. No. 4803/18 is allowed.

Considering that the sole Arbitrator is already in seision of the matter regarding the termination of the tender and



contract, this writ application is permitted to be withdrawn with liberty to the petitioners to raise the issue of blacklisting of the petitioners vide order dated 27.05.2015 before the sole Arbitrator.

Both the parties are directed to appear before the sole Arbitrator.

This application is disposed of as withdrawn.

(Nilu Agrawal, J)

Arjun/Pragya

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