

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15002 of 2016

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M/s Surendra Constructions, Gamitola, Katihar through its partner Uttam Chand Wadhwani son of Late S.R. Wadhwani, resident of Mohalla - Gamitola, P.S. Katihar, District - Katihar.

.... Petitioner

Versus

1. The Union of India
2. The Secretary, Ministry of Railway, New Delhi.
3. The Chairman, Railway Board, New Delhi.
4. The General Manager, N.F. Railway Maligaon, Guwahati.
5. The General Manager (Works) N.F. Railway, Maligaon, Guwahati.
6. The Divisional Railway Manager (Work) NF Railway, Katihar.
7. The Sr. Divisional Engineer (Line) N.F. Railway, Katihar.
8. Sri S.P. Yadav, Sole Arbitrator & Dr. CE/WD/MIG, Maligaon, Guwahati.

.... Respondents

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Appearance :

For the Petitioner : Mr. Raghvendra Kumar Singh, Advocate.

For the Respondents : Mr. Anil Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-02-2018

The present writ petition has been filed for setting aside the arbitral award dated 03.03.2016 passed by Sri S.P. Yadav sole Arbitrator & Dy. CE/WD/MLG by which claims of the petitioner with respect to extra expenses incurred has been rejected.

2. At the very outset, learned counsel for the respondents raises a preliminary objection with regard to maintainability of the present writ petition in view of the remedy under Section 34 of the Arbitration and conciliation Act, 1996 (for short 'the Arbitration Act') being available to the petitioner to challenge the award dated 03.03.2016. Reliance has been placed on a decision in the case of



Shivam Housing Pvt. Ltd. and another vs. Thakur Mithilesh Kumar Singh and another, 2015(3) PLJR 876.

3. Learned counsel for the petitioner fairly accepts that the Arbitration Award may be challenged before the statutory forum provided under Section 34 of the Arbitration Act.

4. Having regard to the above, the present writ petition is disposed of granting liberty to the petitioner to approach the appropriate forum against the impugned award dated 03.03.2016 (Annexure-1) in accordance with law for redressal of his grievances.

5. It is made clear that this Court has not expressed any opinion on the merits of the matter.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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