

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18030 of 2013

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M.B.Arogya Sansthan through its President Ram Surat Prasad Sinha S/O Late Ram Kailash Prasad having Office at Mohalla Mubarakganj, P.O. & P.S. - Sasaram, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Cum Commissioner, Public Health Engineering Department, Government of Bihar, Patna
2. The District Water Supply and Sanitation Committee, Rohtas through Executive Engineer, PHED as Member Secretary , Having Office at Sasaram, Rohtas
3. The Deputy Development Commissioner, Rohtas, Sasaram
4. The Executive Engineer, PHED, Rohtas, Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ASHUTOSH RANJAN PANDEY, ADV

For the Respondent/s : Mr. PAWAN KR. MISHRA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-10-2018

Heard learned counsel for the petitioner and learned counsel
for the respondents.

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

- (i) *That the order bearing memo no. 16 dated 20.06.2011 contained in Annexure-3 may be quashed and the respondents may be directed to make payment of the 4076 toilet constructed by the petitioner for which despite submission of bill and report the respondents have illegally denied the payment to the petitioner.*



- (ii) That the respondents may be directed to make payment of the amount for construction of 248 toilets for which the Junior Engineer, Bikramganj has already submitted report on 08.01.2010 contained in Annexure-7 and the report has been provided to the petitioner under the R.T.I. Act, but the petitioner is being illegally denied the payment due to obvious reasons.*
- (iii) That the respondents may be directed to make payment of interest at the rate of 18% on the due amount of the petitioner.*
- (iv) That any other relief or reliefs may be allowed which may be just, proper and equitable in the opinion of this Court.*

3. At the very outset, this Court takes note that the nature of the dispute raised by the petitioner arises out of a contract between the parties and appears to be in the nature of arbitral dispute.

4. Learned counsel for the respondents appears and has been heard.

5. In that view of the matter, this Court is not inclined to interfere nor examine the claim of the petitioner on merits. The writ petition is disposed of with liberty to the petitioner to seek remedy by approaching the Tribunal constituted under the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 for redressal of its grievances.

6. It is made clear that if the petitioner approaches the



aforesaid Tribunal, the Tribunal 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
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