

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1667 of 2017

In

Civil Writ Jurisdiction Case No.19073 of 2015

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M/s Saj Infracon Project India Limited through its Managing Director,
Akhilesh Kumar Jaiswal, Son of Late Ram Narayan Lal, Resident of S- 401,
Udaygiri Apartment, Police Station- Kotwali, Budh Marg, Patna- 800001.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Bishweshraiya Bhawan, Bailey Road, Patna.
 2. The Engineer-in-Chief cum Additional Commissioner, Special Secretary, Road Construction Department, Government of Bihar, Bishweshraiya Bhawan, Bailey Road, Patna.
 3. The Superintending Engineer, Road Construction Department, North Bihar Circle, Muzaffarpur at Muzaffarpur.
 4. The Executive Engineer, Road Division-1, Road Construction Department, Muzaffarpur at Muzaffarpur.
 5. The Assistant Engineer, Muzaffarpur, Road Sub-Division-2, R.C.D., Muzaffarpur.
 6. The Branch Manager, State Bank of India, Mithanpura, District- Muzaffarpur.
- ... Respondents/ Respondents

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Appearance :

For the Appellant/s	:	Mr. Y. V. Giri, Senior Advocate Mr. Sanjeev Kumar Sinha, Advocate Ms. Meenal sinha, Advocate
For the State	:	Mr. Raj Balabh Prasad Yadav – AAG-11
IFor Respondent No.6	:	Mr. Satya Prakash Tripathy, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 26-03-2018 In view of the arbitration agreement available between the parties and consequent to the remedy available to the petitioner under the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008, (hereinafter referred to as ‘the Act of 2008’) learned counsel prays for permission to withdraw the writ petition with liberty to



invoke the jurisdiction of the Tribunal constituted under the Act of 2008.

Accordingly, we dispose of the matter in the following manner:-

In case, an application is filed before the Tribunal in accordance to the Act of 2008 within a period of 30 days from today, the Tribunal may proceed to decide the matter on merits in accordance with law subject to objections, if any, that may be raised by the parties concerned. That apart, for a period of 30 days from today and till any orders on the interim relief prayed for by the petitioner is not granted, the interim order passed by this Court in the matter on 13.12.2017 shall continue to remain in operation.

In view of the above, the Tribunal may proceed to decide the matter without being influenced by the order passed by the learned Writ Court on 15.11.2017 in CWJC No.19073 of 2015 and nothing in the order of the Writ Court with regard to termination of a contract shall come in the way of the Tribunal while deciding the question of cancellation and the order of the Writ Court so far as it pertains to termination of the contract is deemed to have been set aside.

(Rajendra Menon, CJ)

(S. Kumar, J)

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