

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18166 of 2018

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Rajeev Kumar, Son of Late Gopaljee Prasad Singh, Director of Shree Gopal Construction & Developer Pvt. Ltd. resident of Banjari Road, Ward No. 14, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Executive Engineer, Rural Works Department, Work Division-1, Gopalganj.
3. The District Certificate Officer, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri
For the Respondent/s : Mr. Kumar Alok -Sc7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2018 The present writ petition has been filed for quashing the Certificate Case No. 05 of 2017-18 as also for quashing the warrant of arrest issued against the petitioner herein.

2. The short submission made by the learned counsel for the petitioner is that the petitioner in the capacity of the Director of his Company, namely, Shree Gopal Construction and Developer Pvt. Ltd. has already filed Reference Case No. 51 of 2014 by invoking the arbitration clause before the Bihar Public Works Contractor Dispute Arbitration Tribunal, Patna and the connected certificate case also pertains to the same transaction, hence, the certificate case be stayed pending the final determination of the Reference Case No. 51 of 2014.



3. I have heard the learned counsel for the parties and I find that since the petitioner in the capacity of Director of his company has already invoked the arbitration clause and has approached the arbitration tribunal by filing Reference Case No. 51 of 2014, it would be in the interest of justice to stay the Certificate Case No. 05 of 2017-18 pending before the Certificate Officer, Gopalganj as also the warrant of arrest issued against the petitioner herein till the disposal of the aforesaid Reference Case No. 51 of 2014.

4. In view of the aforesaid, the present writ petition is disposed of with a direction that the aforesaid pending certificate case as also the warrant of arrest shall remain in abeyance till the passing of the final award by the Arbitral Tribunal, Patna.

5. It is needless to state that liberty is reserved to the petitioner to raise such other issues as are available to him in case, any adverse order is passed against him.

6. The present writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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