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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1033 of 2017**

M/s Gordhandas Gobindram A Partnership Firm, Registered Under The Power Of Attorney Holder Dhiraj Jadwani, S/o Amrit Jadwani, Aged 43 Years, R/o Ahmedji Colony, Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Public Works, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh
2. Engineer-In-Chief, Public Works Department, Chhattisgarh, Raipur Chhattisgarh
3. Chief Engineer, Bridge Construction Zone, Public Works Department, Raipur Chhattisgarh
4. Superintending Engineer, Bridge Construction Circle, Public Works Department, Raigarh Chhattisgarh
5. Executive Engineer, Public Works Department, Bridge Construction Division, Raigarh Chhattisgarh
6. Collector, Raigarh Chhattisgarh
7. Sub Divisional Officer Revenue, Dharamjaigarh, Distt. Raigarh Chhattisgarh

---- Respondents

For Petitioner	: Shri Prasoon Agrawal, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Pritinker Diwaker, Judge

Order on Board**13/07/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. It is rather unfortunate that the main allegation made on behalf of the Petitioner that the reason for his failure to complete the contract within time was failure on the part of the State to give clear site to the contractor to complete the work in time has not been answered in their return.

2. The report of the State has somehow remained silent on that aspect of the matter despite repeated assertions made on behalf of the Petitioner that the primary hurdle for non-completion was non-acquisition of land on which the contractor could have worked freely.
3. However, we are informed that the work was re-tendered and contract has been executed with a new party.
4. Keeping in view the above development and the complications which are required now to be sorted out in relation to the work done by the Petitioner etc., it is advisable to the Petitioner to now take recourse to Clause 1.17 at page-64 of the writ application by moving the Arbitrator invoking his jurisdiction.
5. The interim protection against revocation of the bank guarantee shall continue till the necessary award is given by the Arbitrator.
6. The writ application stands disposed off.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Pritinker Diwaker)
JUDGE