

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9793 of 2020

M/s EPTISA Servicios De Ingenieria S.L. through its Director-Projects Mr. Partha Mitra, S/o Pradip Kumar Mitra, Presently Residing at- Flat No. 2A, 1/53 Netaji Nagar, Kolkata- 700092. Permanent Resident of Flat- 14, Alaknanda, Durgapur-12, New United Co-op. Group Housing Complex, Durgapur (m Corp.), Barddhaman, West Bengal- 713212. Office at PS Srijan Corporate Part Unit 1203, 12th Floor, Tower-I, Plot No.2, Block EP and GP-790091, Sector V, Salt Lake City, Kolkata, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Chairman, Patna Smart City Limited, Patna.
4. The Managing Director, Patna Smart City Limited cum Municipal Commissioner, Patna Municipal Corporation, 2nd Floor, Block-C, Mauryalok Complex, Budha Marg, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Sourav Suman, Advocate
For Respondents 3 & 4	:	Mr Lalit Kishore, Sr Advocate with Mr Ranjeet Kumar, Advocate
For the S t a t e	:	Mr Suresh Kr, AC to Ex GP I

CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

3 22-11-2021 Heard learned for the parties.

The petitioner has challenged an order dated 27.05.2020 passed by the Managing Director, Patna Smart City Limited -cum- Municipal Commissioner, Patna Municipal Corporation whereby it has been debarred from participating in all future consulting agreements of Urban Development and



Housing Department, Government of Bihar. The petitioner is also aggrieved by termination of Contract Agreement dated 21.12.2017 executed between the petitioner and Respondent No 4.

It has been rightly pointed out on behalf of the respondents that the Agreement in question contains Arbitration Clause No 2.9.6 in the matters relating to the disputes apropos the events of termination of Agreement. Further, the petitioner has remedy of appeal against the order of debarment.

In the aforesaid circumstance, we are not inclined to entertain this application, which is, accordingly, dismissed.

It goes without saying that the petitioner shall be at liberty to take recourse to appropriate provision of law before appropriate forum, if permissible.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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