

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.47 of 2021

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M/s Esskay Builders, a sole proprietorship firm constituted C/2, Konark Splender, Vadagonsheri, Pune, Maharashtra - 411014, through its authorized signatory Sanjay Malhotra (Male) aged 58 years, son of Late Yash Raj Malhotra, Resident of E-601, Marvel Bounty, Tupe Patil Road, Hadpasar, Pune City, District - Pune, Maharashtra - 411028.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Public Health Engineering Deptt.
2. The Chief Engineer, Public Health Engineering Department, Muzaffarpur.
3. The Superintendent Engineer, Public Health Engineering Department, Chapra.
4. The Executive Engineer, Public Health Engineering Department, Chapra.
5. The Assistant Engineer, Public Health Engineering Department, Chapra.
6. The Certificate Officer Cum Additional Collector, Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Monu Tripurari, Advocate Mr. Prashant Bhardwaj
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 27-10-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“1. (a) For issuance of a writ or direction in terms of Section 11(4) of The Arbitration & Conciliation Act, 1996 appointing a neutral



arbitrator for settlement of issue/claim between the petitioner and respondents;

(b). For issuance of a writ in the nature of a declaration that the unilateral action of the respondents calling upon the petitioner to deposit the sum demanded on account of non-execution of work as per agreement in stipulated time in absence of due opportunity of explanation/objection against the proposed imposition of liability is illegal, arbitrary, unreasonable and violative of principals of natural justice;

(c). For any other relief or relief/s to which the petitioner is found entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to take recourse to the relevant provisions of settlement of disputes, as contained in Clause 25 of the agreement dated 6th of October, 2013 (Annexure-2).

Learned counsel for the State states that the respondents shall take a decision on the petitioner's request expeditiously and positively within the period stipulated under the clause.

Statement accepted and taken on record.

The present petition stands disposed of in the aforesaid terms, reserving liberty to approach the Court afresh, if the need so arises subsequently.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	29.10.2021
Transmission Date	

