

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2359 of 2021

Maruti Enterprises through its proprietor Giriraj Kumar Bhaiya, male, aged about 55 years, Son of Late Shreegopal Bhaiya, resident of 20P, Motilal, Basak Lane, P.s.- Poolbagan, District- Kolkata, West Bengal

... .. Petitioner

Versus

1. The Union of India through its General Manager, East Central Railway, Hajipur
2. The Chief Administration Officer, Construction East Central Railway, Mahendrughat, Patna
3. The Chief Signal and Telecommunication Engineer, Construction (South) East Central Railway, Mahendrughat, patna
4. The Senior Signal and Telecommunication, East Central Railway, D.R.M. Building, Danapur, Khagaul, Patna

... .. Respondents

Appearance :

For the Petitioner : Mr. Shilpi Keshri
For the Respondents : Mr. Dr. K. N. Singh (ASG)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 23-11-2021

The petitioner has filed this writ application seeking issuance of a writ in the nature of *Mandamus* commanding the respondents to close the contract dated 12.04.2001 bearing contract no. LOA No. SG. 42/CON/TENDER/TC/JHAJHA-BIHITA.

The petitioner is also seeking a direction to the respondents to make payment of the amount, which is due to the petitioner and was invested by him in connection with the aforesaid contract.

In relation to the same contract, the petitioner had earlier



approached this Court by filing Request Case no. 14 of 2012, seeking appointment of an arbitrator, which was disposed of by an order dated 03.01.2014 appointing Mr. S.C. Jha as the sole arbitrator.

Learned counsel for the petitioner has submitted that despite appointment of an Arbitrator by this Court, the respondents have not proceeded at all and they have not considered the petitioner's request for payment of amount due to him.

We fail to understand the circumstance in which the present writ application under Article 226 of the Constitution of India has been filed seeking directions as noted above. The petitioner had remedy under the provisions of Arbitration and Conciliation Act, 1996, if it had any grievance after appointment of an Arbitrator under the orders of this Court.

This application, in our opinion, is wholly misconceived and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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(Madhuresh Prasad, J)

