

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8162 of 2021

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Ram Raj Hotel, Makhdumpur, Mussi, Birra through its Proprietor namely Rajendra Kumar Sharma, aged about 42 years, Son of Maithili Sharan Sharma, Resident of Village -Ner, P.S. - Makhdumpur, District- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Tourism, Government of Bihar, Patna.
2. The Additional Secretary, Department of Tourism, Government of Bihar, Patna.
3. The Managing Director, Bihar State Tourism Development Corporation Limited, Kautilya Vihar, Beer Chand Patel Path, Patna.
4. The General Manager, Bihar State Tourism Development Corporation Limited, Kautilya Vihar, Beer Chand Patel Path, Patna.
5. The Additional General Manager, Bihar State Tourism Development Corporation Limited, Kautilya Vihar, Beer Chand Patel Path, Patna.
6. The Deputy General Manager, Bihar State Tourism Development Corporation Limited, Kautilya Vihar, Beer Chand Patel Path, Patna.
7. The Assistant Manager (Accounts), Bihar State Tourism Development Corporation Limited, Kautilya Vihar, Beer Chand Patel Path, Patna.
8. The District Magistrate, Jehanabad.
9. The Executive Engineer (Concerned Area), Bihar State Tourism Development Corporation Limited, Kautilya Vihar, Beer Chand Patel Path, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Binod Kumar, Adv.
For the Respondents	:	Mr. Sita Ram Yadav GP16 Ms. Anukriti Jaipuriyar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 10-02-2022 This matter has been taken up for hearing online
because of *COVID-19* pandemic restrictions.



2. This writ application has been filed seeking a direction to the respondent authorities to pay to the petitioner the amount of subsidy allowed under Dhaba upgradation Policy, 2012 issued by the Department of the Tourism, Government of Bihar dated 22.05.2012. The petitioner is a proprietor of *Ramraj* Hotel situated at *Mushivira* PS *Makhdumpur*. It is the petitioner's case that in terms of the said policy and subsequent agreement entered into between the Bihar State Tourism Development Corporation and the petitioner, the petitioner has upgraded the *Dhaba*, but the subsidy amount has not been released.

3. This writ application was filed in March, 2021. Learned counsel appearing on behalf of the parties admit that in February, 2022 first installment of the subsidy has been released in favour of the petitioner.

4. Learned counsel for the Corporation and the State of Bihar submit that further subsidy shall be released in favour of the petitioner, if it is found fulfilling the conditions for grant of such subsidy.

5. Our attention has been drawn to Clause 5.1 of the agreement, which has been brought on record by way of Annexure-1 to the writ application, which contains provision for



‘Dispute Resolution’ by reference to Arbitration, as per the provision of Arbitration and conciliation Act, 1996.

6. In such view of the matter, no interference is required by this Court exercising power of judicial review under Article 226 of the Constitution of India. The parties shall be at liberty to invoke provisions of the agreement before appropriate forum in accordance with law.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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