

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11397 of 2021

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Laxmi Civil Engineering Services Pvt. Ltd. 1148 /E, Sykes Extension,
Kolhapur-416001 through its authorized signatory namely Mr. Bharteshwar
Chandrakumar Tiwary @ Bharteshwar Tiwary, aged about 54 years (male),
son of Sri Chandra Kumar Tiwary, Resident of Mohalla-Bharat Nagar
Amrawati Road, Yogi Raj Society, Maharastra-440010

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna-15.
2. The Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna-15
3. The Engineer in Chief, Irrigation Creation, Water Resources Department, Sinchai Bhawan, Patna-15.
4. The Chief Engineer, Irrigation Creation, Water Resources Department, Koshi Colony, Saharsa.
5. The Superintending Engineer, Water Resources Department, Irrigation Circle, Purnea.
6. The Executive Engineer, Water Resources Department, Irrigation Division, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Manish Sahay, Advocate Mr. Anil Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Deepak Sahay Jamuar, A.C. to AAG-4

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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)

2 23-03-2022 It is the petitioner's case that construction of B.T.

Service Road over Araria Branch Canal from 0.00 to 54.33 KM.

was awarded to it in the year 2012 by the Department of Water



Resources, Government of Bihar.

This writ application has been filed, *inter alia*, seeking a direction to the respondents to pay for the work done against maintenance of the road for a period of five years, to the tune of Rs.2,44,46,023/- (Rupees Two Crore Forty Four Lakhs Forty Six Thousand Twenty Three).

After some arguments, Mr. Rajendra Narain, learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner may be permitted to pursue his claim before the Engineer-in-Chief, Irrigation Creation, Water Resources Department, Government of Bihar (Respondent No.3), by making a representation, though he is conscious of the fact that the contract agreement contains an arbitration clause. He submits that in case the petitioner's grievance remains unredressed despite representation before Respondent No.3, he shall invoke the remedy of arbitration under the agreement.

Considering the aforesaid submissions, this application is disposed of with a liberty to the petitioner to pursue his claim before the aforesaid Respondent No.3 by making a representation. It is expected that the Respondent No.3 shall consider the petitioner's representation and take a decision as expeditiously as possible. The petitioner shall be at liberty to



invoke arbitration clause thereafter, if the situation so warrants.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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