

15.02.2022
Court No.13
Item No.19
sp

WPA 1645 of 2022
Dhrujyoti Kumar Das
Vs.
Union of India & Ors.

(Through Video Conference)

Mr. Chayan Gupta,
Mr. Ritoban Sarkar,
Mrs. Smita Mukherjee,
Ms. Saheli Bose

... for the petitioner.

Mr. Bhudev Chatterjee,
Mr. Sailendra Kumar Tiwari

...for the respondents

Affidavit of service filed in Court today is taken on record.

The writ petitioner is aggrieved by letter dated January 7, 2022 terminating an agreement for work of renovation of auditorium of Central Drug Library, Kolkata – 16 and alike work.

The petitioner claims that the said termination is illegal since the reason for delay in completion of the work cannot at all be attributed to him. It is also argued that the petitioner was only given 12 workdays of access to the site and hence could not complete the work for paucity of time.

It is further sated that since after the letter of termination, Notice Inviting Tender has been issued to complete the balance of work.

This Court notices that there are large number of disputed questions of facts that could arise in course of the petitioner's claim. Hence, the writ Court under Article

226 of the Constitution of India cannot entertain such disputed questions of facts and the grievances of the petitioner therefore cannot be agitated under Article 226 of the Constitution.

Counsel for the respondents submits that the petitioner has invoked the dispute resolution clause under the agreement and has the option of taken out civil proceedings, inter alia, in the nature of arbitration to seek redressal of the grievances.

Hence, the writ petition shall stand dismissed with liberty however reserved to the petitioner to avail remedy already invoked.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)