

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12426 of 2017

M/s Conarch Associates, B-57/4, Rajendra Puram, Ganga Nagar, Merrut (U.P.)
through its authorized Signatory Deepak Singh, S/o Jadish Singh R/o Radhakunj
Colony, Sara Road, Govindpuri, Modinagar, Ghaziabad U.P..

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal secretary, Department of Water Resources, Government of Bihar, Patna.
2. The Engineer in Chief, Sichai Srijan, Department of Water Resources, Patna, Bihar.
3. The Chief Engineer, Sichai Srijan, Water Resources Department, Nalanda at Biharsarif.
4. The Superintending Engineer, Water Ways Circle, Ghosi, Jahanabad.
5. The Executive Engineer, Water Ways Division, Jehanabad.
6. The Asst. Engineer, Waterways Sub- Division, Jehanabad.
7. The Junior Engineer, Waterways Sub- Division, Jehanabad.
8. M/S Mateshwari Construction, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Advocate Mr. Santosh Kumar Mishra, Advocate Mr. Harsh Vardhan, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh, GA-2

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 27-04-2023 In the instant petition, petitioner has prayed for the
following relief(s):-

“1. (I) For quashing the letter dated 06.07.2017{ Annexure 6 Series) issued under signature of Respondent No. 2 (The Engineer in Chief, Irrigation Srijan, Department of Water Resouces, Bihar and its follow up letter no. 899 dated 20.07.2017 issued under the signature of Respondent No. 5 { Executive Engineer, Irrigation Division, Jehanabad) whereby and where under the agreement no. 07SBD/2012-2013 executed between the petitioner and Respondent No. 5 (The Executive Engineer, Water Ways Division, Jehanabad } for modernization of Dharaut Main Canal under Water Ways Division, Jahanabad has been ordered to be terminated/rescind.

order of allotment of work of modernization of Dharaut Main Canal under Water Ways Division, Jahanabad along with the work of renovation of structure and modernization and lining of the Mahmuda main Canal from 0.00 K.M. to 3.75 K.M. with linking of Jalwar river, to M/S Mateshawari Construction, Aurangabad {Respondent No. 8) which has been allotted in an arbitrary manner without giving adequate opportunity to the petitioner of hearing and to represent its case.

(iii) For further a direction to the Respondent Authorities to allow the petitioner to work by appropriately extending the period of completion of the work under Supplementary agreement dated 19.12.2015, as the petitioner is still engaged in executing the work under contract and he is ready to complete the work provided the Respondent authorities give full co-operation including financial support in accordance with the provisions of agreement and further not to involve any other firm to intervene in the work of the petitioner as mentioned in the impugned order.

(iv) For any other relief/reliefs may be granted in favour of the petitioner for which he is found entitled in facts and circumstances of the case.”

During pendency of the present petition, the petitioner has already invoked remedy before the arbitrator.

In the light of these facts and circumstances, the present petition stands disposed of, reserving liberty to the petitioner to pursue the arbitration matter.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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