

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18688 of 2018

Niraj Kumar Shrivastava Son of Sachidanand Prasad Resident of Indira Nagar
Laliyahi P.S. Sahayak, Distirct Katihar.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. Divisional Railway Manager, Works N.F. Railway, P.S. and District-Katihar
3. Senior Divisional Engineer-1 N.F. Railway, Katihar.
4. Senior Section Engineer/Works/East. N.F. Railway, P.S. and Distirct Katihar.
5. Senior Section Engineer, Old Maldah, N.F. Railway, Maldah

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Union of India : Mr.Binay Kr. Pandey, CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-07-2023

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

“ That this is an application for issuance of a writ in the nature of certiorari or an appropriate writ or order for quashing the letter dated 13.6.2018 issued under the signature of Senior Divisional Engineer-1 N.F. Railway, Katihar, the Respondent no.3, as contained in Annexure-3, whereby and whereunder he has been pleased threatened the petitioner to terminate his contract since the petitioner has failed to maintain water supply filter plants properly despite several instructions by the



field officials, though petitioner has completed almost 90% of work and due to which the petitioner has been paid approximately 25 lacs out of 37 lacs and now only 10% of the work i.e. upto 4 lacs work is yet to be completed then the respondent no.3 is threatening to terminate his contract, which is nothing but whimsical, bad and perverse order as your lordship may deem fit and proper in the facts and circumstances of the case.”

2. The petitioner was a contractor, and he was a successful bidder insofar as Maintenance and operation of water supply filter. In this regard, there was Indian Railway Standard General Conditions of Contract were notified in the month of July, 2013. In terms of Clause 63, the petitioner has remedy of arbitration. Reading of relief sought in the present petition itself indicates that there are certain disputes among the petitioner and official respondents.

3. In the light of these facts and circumstances, the present writ petition stands disposed of. Reserving liberty to the petitioner to invoke Clause 63 insofar as relief sought in the present petition.

4. If there is any delay in invoking Clause 63, in that event, the concerned authority is hereby directed to take note of Section 14 of the Limitation Act, 1963, and any other Act so as to



entertain the petitioner’s claim. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2023
Transmission Date	NA

