

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17585 of 2016**

Hotel Gargee Grand, Unit of Gandiv, Builder and Engineers Private Limited,  
Plot No. 825, Exhibition Road, Police Station-Gandhi Maidan, Patna-800001  
through its authorized representative namely Mr. Arvind Kumar, son of Shri  
Mathura Singh, Resident of W/S 5/56, Upper Police Chowki, Post-  
Lohianagar, Police Station-Kankerbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Tourism,  
Government of Bihar, Patna.
2. The Principal Secretary, Department of Tourism, Government of Bihar,  
Patna.
3. The Bihar State Tourism Development Corporation Limited, Patna, an  
undertaking of Government of Bihar through its Managing Director.
4. The Managing Director, Bihar State Tourism Development Corporation  
Limited, Birchand Patel Marg, Patna.
5. The Board of Directors through the Managing Director, Bihar State  
Tourism Development Corporation Limited, Birchand Patel Marg, Patna.
6. The General Manager, Bihar State Tourism Development Corporation  
Limited, Birchand Patel Marg, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                     |
|----------------------|---|-----------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sanjay Singh, Sr. Advocate<br>Mr. Rajeev Shekhar, Advocate<br>Mr. Pravashankar Mishra, Advocate |
| For the Respondent/s | : | Mr. Durgesh Nandan-AAG14                                                                            |
| For the B.S.T.D.C.   | : | Mr. P.K. Shahi, Sr. Advocate<br>Mrs. Anukriti Jaipuriya, Advocate                                   |

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

**Date : 23-02-2023**

In the instant petition, petitioner has prayed for the  
following reliefs:-

*“i) To issue a writ in the nature  
of Certiorari for quashing the letter  
no.821/16 dated 12.05.2016 whereby  
the proposal for partial modification in*



*the agreement is made in view of a decision taken by Board of Director on the basis of legal opinion as well as order as contained in letter no.871/16 dated 25.05.2016 whereby the Managing Director of the Corporation has unilaterally modified the agreement dated 17.12.2013 by reducing the licence period from 8 years to 5 years only.*

*ii) To issue a writ in the nature of Mandamus for direction to the authorities to adhere strictly to the period of licence as 17.12.2013. enumerated in the agreement dated 17.12.2013.*

*iii) To issue a direction to the respondents to produce entire documents upon which the decision was taken by the Board of Directors including the decision of the Board of Directors by which the licence period has unilaterally been reduced and upon production of the same, issuance of writ in the nature of Certiorari for quashing the said decision of the Board of Directors on the ground that same being in teeth of settled principles of law, arbitrary, illegal, unreasonable and unfair.*

*iv) To grant any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”*

*1. Prima-facie, there are certain disputed issues like*

*N.I.T. is for period of 5 years on the other hand agreement is*



executed for 8 years. Even 8 years have already lapsed. Still, petitioner intends to prosecute the matter.

2. Having regard to the disputed issues, the present writ petition is not maintainable. Moreover, in agreement there is an arbitration clause. Without exhausting the alternative remedy of invoking arbitration clause the petitioner has presented this petition.

3. Accordingly, the present petition stands dismissed reserving liberty to the petitioner to invoke arbitration clause if he intends and in accordance with law.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

Daya/  
Himanshu/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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