

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17784 of 2015

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Pappu Kumar Singh son of Sri Ramadhar Singh resident of Village- Anjan,
P.O.- Meema Anjan, P.S.- Madanpur and District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Water Resources, Patna.
2. The Engineer-in-Chief Madhya, Department of Water Resources, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The Executive Engineer North Koel, Aurangabad.
5. The Sub-Divisional Officer, North Koel, Division No.1, Aurangabad.
6. The Junior Engineer, Norther Koel, Division No.1, Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Anirudh Kumar Verma, Adv.
For the Respondents	:	Mr. Sita Ram Yadav, G.P. 16

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT**

Date : 04-04-2024

The petitioner has filed the writ application for quashing of the memo no. 477 dated 29.01.2015 whereby and whereunder the authority concerned has passed the order without noticing or affording opportunity to the petitioner as well as without inspecting, examining and considering the matter and further to direct the respondents to pay the rest amount due.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3. During the course of arguments, it was brought to the



notice of the Court that the writ application is filed for quashing the memo no. 477 dated 29.01.2015, wherein it is stated by the respondents that the amount of the petitioner is, hereby, paid and there is no payment of rest amount to the contractor for the works done by him.

4. Being aggrieved with the said memo, the present petition has been filed to direct the respondents to pay the balance of the amounts. The Bihar Public Works Contract Disputes Arbitration Tribunal Act, has been constituted in the year 2008, the petitioner has alternative remedy to appear before the Tribunal for the disputed amount. The Preamble of the said act gives wide expression that the disputes between the parties can be tried by the Tribunal with respect to the contracts of State Government or a public undertaking is a party. Section 2 Sub-Clause (g) of the said act defines party means “ a party to a works contract or a service contract and includes its successors, executors, administrators or assignees”.

5. In spite of having alternative remedy the petitioner has filed the present writ petition.

6. In the above view of the matter, petitioner seeks permission to avail the statutory alternative remedy available before the Tribunal which he can avail in accordance with law.



7. The Tribunal is directed to decide the disputes between the parties on its own merits in accordance with law, at the earliest preferably, within a period of four months from the date of filing of the application, because the matter pertains to the works of the petitioner of the year 2012.

8. With the above observation, the writ petition is, hereby, disposed of.

9. As the petitioner has filed the writ application within a stipulated time, the tribunal shall condone the delay, if any, filed along with the application.

(G. Anupama Chakravarthy, J)

utkarsh/-

AFR/NAFR	NAFR
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