

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19994 of 2013

Dileep Kumar

... .. Petitioner/s

Versus

The Union Of India and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the UOI	:	Mr.Alok Kumar, CGC
For the Respondent/s	:	Mr.Dhurjati Kr Prasad, GP-14

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

ORAL ORDER

24 30-08-2024

IA No. 1 of 2023

1. This interlocutory application has been filed for amendment in prayer portion of para-1 of the writ petition by addition of the reliefs mentioned in paragraph No. 3 (iv), (v), (vi) and (vii) of the interlocutory application.

2. I.A. No. 1 of 2023 is hereby allowed amending the prayer portion. The reliefs mentioned in paragraph No. 3 thereof would form part of the writ petition.

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3. Heard Learned Counsel for the petitioner, Learned Counsel representing the State and Learned Counsel for the Union of India.

4. During course of argument, it is noticed that there are disputed question of facts as to the amounts already paid to the petitioner by the respondent and also for further payment to be made by the respondent in favour of the petitioner. Bihar



Public Works Contracts Disputes Arbitration Tribunal Act, 2008, clearly disclosed that disputes between the parties should be adjudicated before the Tribunal. Therefore, the writ application is not maintainable to decide the question of facts. At this juncture, Learned counsel for the petitioner seeks liberty to approach the Tribunal and as the amounts which are disputed pertains to the year, 2011. The Tribunal shall not insist for any condonation of delay petition in this case as the petitioner approached this Court within the period of limitation that is in the year, 2013 liberty is given to the petitioner to approach before the Tribunal and the Tribunal shall issue notice to the respondent who shall decide the matter as expeditiously as possible preferably within a period of six months as the dispute is long pending before this Court for the past 10 years.

5. Further, the respondent shall not take any coercive step against the petitioner till the disposal of the case before the Tribunal.

6. With the abovesaid observation, writ application is disposed of.

(G. Anupama Chakravarthy, J)

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