

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6765 of 2016

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1. M/s R. K. Laxmi Traders, Son of Late Rajeshwar Prasad Singh, Resident of Mohalla- Laljee Tola, Police Station- Gandhi Maidan, District- Patna.
 2. Vinay Kumar, Son of Late Rajeshwar Prasad Singh, resident of Mohalla- Laljee Tola, Police Station- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. Magadh University, through its Registrar, Bodh Gaya, Bihar
2. The Registrar, Magadh University, Bodh Gaya, District- Gaya.
3. The Principal, A.N. College, Boring Road, Patna.
4. The University Engineer, Magadh University, Bodh Gaya, District- Gaya.
5. Prof. Incharge, A.N. College, Boring Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Adv.
For the Respondent/s	:	Mr. Sunil Kumar, Adv for MU
		Dr. Sanjay Kr. Singh, AC for AN College

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

10 08-02-2024

Heard the learned counsels for the parties.

2. The present writ petition has been filed for the following relief(s):-

“(i)To issue an appropriate writ(s) /order(s)/direction(s) in the nature of Certiorari for quashing the order dated 21.12.2015 issued vide Ref. no.G/1168/15 dated 23.12.2015 under the signature of Prof. Incharge, A.N. College, Patna (Magadh University, Bodh Gaya) whereby and whereunder the further payment of M/s. R.K. Laxmi Traders (petitioner no.1) against tender work (construction of Women's Hostel at A.N.



College, Patna) have been stopped in most illegal and arbitrary manner.

(ii) To issue a writ in nature of Mandamus directing and commanding the respondent authorities particularly the respondent no.3 to make payment of remaining dues amounting to Rs.9,28,790=27 paise to the petitioners against tender work (construction of Women's Hostel at A.N. college, Patna) performed by the petitioners for which final bill has been submitted and also passed much earlier. And also to make payment of the security amount and to refund the earnest money deposited by the petitioners with penal interest.”

3. Even though the learned counsel appearing on behalf of the petitioners has argued at length on merits of the case, a perusal of the counter affidavit as well as the submissions made by the learned counsel appearing on behalf of the respondents reveals that there are disputed questions of facts in the present CWJC, which cannot be gone into under Article 226 of the Constitution of India. Further it is stated that Bihar Public Works Contract Disputes Arbitration Tribunal has already been created for raising disputes pertaining to contracts.

4. Having regard to the above, without going into the merits or demerits of the case, the present CWJC is disposed of



directing the petitioner to approach the Bihar Public Works Contract Disputes Arbitration Tribunal within a period of four weeks from today. On such application being made, the Tribunal shall take into account the pleadings, evidence, if any adduced by the parties and pass necessary orders strictly in accordance with law. The entire exercise shall be completed as expeditiously as possible preferably within a period of four months from the date of the application made by the petitioner. It is also made clear that as the matter was pending before this Court since, 2016, the respondents cannot raise the question of limitation.

5. With the above said directions, the writ petition stand disposed off.

(A. Abhishek Reddy , J)

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