

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2021 of 2024
In
Civil Writ Jurisdiction Case No.8084 of 2024

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Bishwa Raman Kumar Singh, Son of Late Rameshwar Prasad Singh, house of
Dr. (Miss) Rama Sinha, near Hotel Sayonara, Gachhi Tola, P.S. Town, District
Begusarai, Bihar

... .. Petitioner/s

Versus

1. The Union of India through the General manager, North East Frontier railway, District Kamrup P O Maligaon Assam, namely Mr. Chetan Kumar Srivastava, Son of not known to the Petitioner.
2. The Divisional Rail Manager, Katihar Division, District Katihar, Bihar, namely Mr. Surendra Kumar, Son of not known to the Petitioner.
3. The Deputy Chief Engineer, Gati Shakti, North East Frontier Railway Division Katihar, Bihar, namely, Mr. Sunil Kumar Kalsi, Son of not known to the Petitioner.

... .. Opposite Party/s

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with
Civil Writ Jurisdiction Case No. 8084 of 2024

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Bishwa Raman Kumar Singh son of Late Rameshwar Prasad Singh, house of
Dr. (Miss) Rama Sinha, near Hotel Sayonara, Gachhi Tola, P.S. Town, District
Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, North East Frontier Railway, District Kamrup, P O Maligaon, Assam.
2. The Divisional Rail Manager, Katihar Division, District Katihar, Bihar.
3. The Deputy Chief Engineer, Gati Shakti, North East Frontier Railway Division Katihar, Bihar.

... .. Respondent/s

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Appearance :
(In Miscellaneous Jurisdiction Case No. 2021 of 2024)
For the Petitioner/s : Mr.Prabhat Ranjan
For the Opposite Party/s : Mr.Additional Solicitor General
For the Railways : Mr. Anshay Bahadur Mathur, CGC
(In Civil Writ Jurisdiction Case No. 8084 of 2024)
For the Petitioner/s : Mr.Prabhat Ranjan
For the Respondent/s : Mr. Alok Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY



ORAL ORDER

4 23-08-2024

I.A. 01 of 2024 (CWJC No. 8084 of 2024)

Interlocutory Application 01 of 2024 is filed seeking amendment of para 1 of the CWJC No. 8084 of 2024 is allowed.

2. Registry is directed to make the necessary amendment in the present writ petition.

3. Challenging the order dated 28.03.2024 wherein the contract given to the petitioner was abruptly cancelled, the present writ petition was filed. This Court vide order dated 16.05.2024 duly taking into consideration the fact that the authorities themselves have extended the period of completion of the work from 11.03.2024 to 30.05.2024 had given time till 30.05.2024 to complete the work. It is stated across the bar that the petitioner could not complete the work in the stipulated time but on the other hand he has applied for extension of time again beyond 30.05.2024. That the authorities vide order dated 04.06.2024 have cancelled the contract issued in favour of the petitioner and also the application seeking extension of time period for completing the project.

4. As per the NIT more particularly Cluse 64, there is provision for appointment of arbitrator, if there is any dispute between the parties.

5. Having regard to the same, this Court is not



inclined to entertain the present writ petition and leaving it open to the petitioner to approach the authorities for appointment of an arbitrator within a period of four weeks from today. The interim order passed in CWJC No. 8084 of 2024 stands nullified.

6. It is made clear that this Court has not gone into the merits of the case and leaving all issues open to be raised by the parties and to be decided by the arbitrator. The entire exercise shall be completed as expeditiously as possible preferably within a period of four months from the date the petitioner approaches the authorities for appointment of an arbitrator. The respondents authority shall cooperate with the petitioner for appointment of the arbitrator as soon as they get any such request.

7. With the above observations, both the MJC as well as the present CWJC stands disposed of.

(A. Abhishek Reddy , J)

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