

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 3595 of 2019

Shambhu Poddar Petitioner

Versus

1. South Eastern Railway through its General Manager, Kolkata
2. Chief Engineer (South), South Eastern Railway, Kolkata
3. Divisional Railway Manager, Chakradharpur
4. Senior Divisional Engineer (South), South Eastern Railway, Chakradharpur
5. Divisional Finance Manager (Co-ord), South Eastern Railway, Chakradharpur.

... .. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner: Mr. Indrajit Sinha, Advocate

Mr. Ankit Vishal, Advocate

For the UOI: Mr. Shiv Kumar Sharma, Sr. PC.

Order No.6 /Dated: 18.07.2024

1. Heard learned counsel for the parties.
2. The petitioner files this application to release the amount of Rs. 2,10,714/- being the amount charged towards GST for release of the bills for the work done by him. It is contended that the petitioner is not liable to pay the GST as per the contract.
3. Learned counsel for the State submits that the petitioner is liable to pay the amount towards GST accordingly demand is raised therefore no illegality is committed in raising the demand and contended that due to available of alternative remedy the writ petition is not maintainable. Therefore, if the petitioner has any grievance may approach the appropriate forum in terms of the agreement by raising the dispute before the arbitrator.
4. Having heard the learned counsel for the parties and the materials brought on records, at it appears that the dispute is alleged with regard to the payment of GST and as such Rs. 2,10,714/- GST

amount has been released on the bills of the petitioner for the work prepared by him.

5. As such if the petitioner contends that he is not liable to pay the amount and the same is disputed by the learned counsel for the respondent, this Court is not inclined to entertain such application but liberty is granted to the petitioner to approach the alternative forum namely Arbitral in the terms and conditions of the agreement itself.

6. With that liberty, this Court disposed of this writ petition by permitting the petitioner to approach the Arbitral forum in terms of the agreement so that the dispute may be resolved.

(Dr. B.R. Sarangi, C.J.)

(Sujit Narayan Prasad, J.)

VK/MM