

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16859 of 2024

M/S Pankaj Construction, Mahabir Asthan, Gourakhani, P.O. Sasaram, P.S. Sasaram, District-Rohtas at Sasaram through the Proprietor Arvind Kumar Singh (Male), aged about-58 Years, Son of late Shachidanand Singh, Resident of House No.118, Gali No.15, Sasaram, P.O. Sasaram, P.S. Sasaram, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (South), Building Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, Building Construction Department, Building Circle, Ara.
5. The Executive Engineer, Building Construction Department, Building Division, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar
For the Respondent/s	:	Mr. Standing Counsel 25

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

2 24-09-2025 This Hon'ble Court in CWJC No. 4144 of 2023 dated
19.04.2023 has held as under;

“3. In view of above, all disputes of any nature arising out of any agreement entered between a private party and the State could be taken up before the concerned Commercial Court in terms of the valuation of the suit.

4. The Commercial Courts Act, 2015, in terms of Chapter-III(A) of the Act provides for pre-institution mediation and settlement. Commercial Courts (Pre-Institution Mediation And Settlement Rules), 2018 have already been brought into force. Thus, it is necessary that before even taking up matters before the Commercial Court, exercise for mediation and settlement in terms of the aforesaid Rules of 2018 and provisions of the Act must be followed.

5. This Court, however, finds that the contractual parties are recklessly filing writ petitions before this Court claiming amounts due from the State on the basis of the work orders



granted to it or contracts entered between the parties. Disputes regarding black-listing arising out of the non-performance of contracts are also being taken up. Such matters can best be taken up for mediation and settlement at the initial stage, whereafter, if there is no redressal, suits before the concerned Commercial Court can be filed.

6. The writ petition would be maintainable only when the challenge is to a decision of the authorities or the process adopted by them suffers from malice or wrongful intention or favouritism. The Courts may also entertain a writ petition if the decision is such which does not conform to the Wednesbury's Principle and this Court would entertain the writ petition also where interest of public at large is affected. However, individual claims would not come under the aforesaid ambits."

2. Having regard to the same, this Court is not inclined to entertain the present writ petition and the same is dispose of. The petitioner is directed to avail the alternative remedy as available to him under the Commercial Courts Act, 2015.

3. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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