

IN THE HIGH COURT OF JHARKHAND AT RANCHI
WP(C) No.1300 of 2023

M/s Maa Sharda Construction, having its office at H. No. 8,
Abadganj, P.O. & P.S. - Daltonganj, District - Palamu, through its
Partner Sanjay Kumar Pathak, aged about 49 years, s/o
Rajendra Pathak, resident of H. No. 08, Abadganj, P.O. & P.S. -
Daltonganj, District - Palamu
... Petitioner(s).
Versus

1. The Union of India
 2. The Ministry of Railway through the Secretary, Government of India, 256A, Rail Bhawan, Raisina Road, New Delhi, P.O. & P.S. New Delhi, New Delhi-110001
 3. The General Manager, East Central Railways, Hajipur, P.O. & P.S. G.M. Office Hajipur, District Vaishali, Bihar
 4. The Senior Divisional Engineer, Eastern Central Railways, Dhanbad, D.R.M. Office, P.O. & P.S. Dhanbad, District - Dhanbad
 5. The Chief Administrative Officer, Construction, East Central Railways, Mahendraghat, Patna, P.O. & P.S. Mahendraghat, District - Patna, Bihar
 6. The Executive Engineer (Cons/TS), East Central Railways, Mahendraghat, Patna ,P.O. & P.S. Patna, District - Patna, Bihar
 7. The Assistant Divisional Engineer, Eastern Central Railways, Barkalhana, P.O. & P.S. Barkakhana, District - Ramgarh
- ... Respondent(s).**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Kalyan Banerjee, Advocate
For the UOI : Mr. Prashant Kr. Sinha, Sr.PC
Mr. Sahibjot Singh, Advocate
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08 /07.04.2026: Heard the learned counsel representing the petitioner and the learned counsel representing the respondents.

2. The petitioner in this writ petition has made the following prayers:

“For a direction upon the respondents to pay the entire amount of Rs. 32,81,082.22 to the petitioner along with statutory interest against the work done by him in pursuance of agreement contained in Tender No. ECR-CAO-C-S-ETEN-01-20-21 given by the respondent authorities, which has been completed by the petitioner well within stipulated time period by putting his own money
And
Further for a direction upon the respondents to constitute a

committee & fix a date for measurement of the work completed by the petitioner

And/Or

Further for a direction upon the respondent authorities to appoint an arbitrator for the redressal of the grievance of the petitioner for which they are not taking any interest /action inspite of request made by the petitioner, with all malafide intention in order to harass the petitioner mentally, physically & financially.

And/Or

To pass any such order to which your Lordship may deem fit & proper in the interest of justice.”

3. It is the case of the petitioner that the petitioner on completion of the work is entitled for an amount of Rs. 32,81,082.22 along with the statutory interest which the respondents have not paid. As per the petitioner since he is entitled for the aforesaid amount and the amount is admitted, he has approached this Court by filing this writ petition under Article 226 of the Constitution of India.

4. The Union of India opposes the prayer and submits that the amount is not admitted. By referring to the counter affidavit learned counsel for the Union of India submits that it is their case that the petitioner had not completed the work.

5. In paragraph-14 of the counter affidavit the respondents had stated that the Agency was requested several times to sign the measurement for payment but the Agency did not turn-up. As the Agency did not turn-up *ex parte* measurement was done by the field officials and final bill has been prepared amounting to Rs.4,06,286/- only. Further they had taken a plea that the contractor has stopped the work for which request was made to restart the same and complete the same. Thereafter also on the request the contractor did not turn-up for measurement.

6. From the entire counter affidavit, I find that there is nothing to suggest that the respondents are admitting the amount which the petitioner has claimed. Further the learned counsels for the petitioner and the respondents submits that there is an arbitration clause. Admittedly the petitioner has not availed the same.

7. Considering the fact that the amount which the petitioner is claiming is not admitted by the respondents and there is an arbitration clause, I am not inclined to entertain this writ petition filed under Article 226 of the Constitution of India.

8. The petitioner, if advised, may approach the appropriate Forum.

9. With the aforesaid observation, this writ petition is **disposed of.**

(ANANDA SEN, J.)

07.04.2026
Tanuj/CP-2

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