

(2018) 09 CHH CK 0068

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2449 Of 2018

M/s Gordhandas Gobindram

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 5, 2018

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Saurabh Jain, P. K. Bhaduri

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Petitioner had earlier approached this Court against termination of contract by preferring WPC No.1033/2017. In the said writ petition, the petitioner

has been advised to take recourse to Clause 1.17 of the contract by moving the Arbitrator invoking his jurisdiction.

2. In the present petition, the petitioner has assailed the order, whereby his certificate of registration has been downgraded from Category A to

Category B. The reason for which downgrading has been done is the same contract which was under consideration before the Division Bench.

3. At this stage, learned counsel for the petitioner, would draw attention of the Court to the document (Annexure-P-1), by which his appeal has been

dismissed by the Engineer-in-Chief, to argue that the subject contract was not the reason for downgrading, therefore, the writ petition is maintainable.

4. The argument raised at bar is in contradiction to the contents of the original order passed by the Engineer-in-Chief on 15.06.2016, wherein in the

opening paragraph itself, the subject contract has been mentioned.

5. Since the Division Bench has already relegated the petitioner to avail the remedy before the Arbitration Tribunal in terms of Clause 1.17 of the contract, any decision in this petition would affect the case of either of the party before the Tribunal. Therefore, it may not be appropriate for this Court to entertain the petition to allow the petitioner to continue two parallel proceedings arising out of the same contract. Petitioner is permitted to raise the present dispute also before the Tribunal, which is intricately connected with the subject contract.

6. The writ petition is dismissed.