

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 20th OF MAY, 2024

WRIT PETITION No. 9796 of 2024

BETWEEN:-

**M/S VINDHYA RESOURCES PVT. LTD.
THROUGH ITS PROPRIETOR HARI
NARAYAN MISHRA S/O LATE SHRI RAM
SAJEEVAN MISHRA AGED ABOUT 48
YEARS OCCUPATION CONTRACTOR
WARD NO. 5 SANGAM NAGAR DHEKHA
REWA DISTRICT REWA (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI V.K.SHUKLA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH THE PRINCIPAL
SECRETARY PUBLIC HEALTH
ENGINEERING DEPARTMENT
VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. ENGINEER IN CHIEF PUBLIC
HEALTH ENGINEERING
DEPARTMENT BHOPAL (MADHYA
PRADESH)**
- 3. CHIEF ENGINEER PUBLIC HEALTH
ENGINEERING DEPARTMENT
JABALPUR ZONE DISTRICT
JABALPUR (MADHYA PRADESH)**
- 4. SUPERINTENDENT ENGINEER
PUBLIC HEALTH ENGINEERING
DEPARTMENT REWA MANDAL
REWA DISTRICT REWA (MADHYA**

PRADESH)

5. EXECUTIVE ENGINEER PUBLIC HEALTH ENGINEERING DEPARTMENT REWA SECTION (KHAND) REWA DISTRICT REWA (MADHYA PRADESH)
6. ASSISTANT ENGINEER PUBLIC HEALTH ENGINEERING DEPARTMENT REWA SUB DIVISION REWA DISTRICT REWA (MADHYA PRADESH)

....RESPONDENTS

(BY SHRI ROHIT JAIN – GOVT. ADVOCATE)

This petition coming on for admission this day, the court passed the following:

ORDER

1. This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs :-
 - I) Issue a writ in the nature of certiorari by quashing the impugned order dated 20.3.2024 (Annexure P/11) in the interest of justice.
 - II) To issue a writ in the nature of Mandamus by directing the respondents to grant all pending payments to the petitioner in the interest of Justice.
 - III) To direct the respondents to consider and decide the representation of the petitioner.
 - IV) To grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
2. It is a dispute arises out of the contractual liabilities. As per the terms of the tender which has been filed along with I.A.No.6095/2024 it is clear that as per clause 12, Dispute Resolution System has been provided.

3. Accordingly, this petition is **disposed of** on the ground of availability of alternative remedy. If the petitioner intends to avail the Dispute Resolution System, as provided under clause 12, then he can raise the dispute.
4. For computing the period of limitation, the time spent by the petitioner before this Court i.e. from 10.4.2024 till today, shall be excluded.

(G.S. AHLUWALIA)
JUDGE

HS