



2025:CGHC:29017-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 781 of 2020

M/s Tirupati Buildcon Pvt. Ltd., A Private Limited Company Having Its Registered Office At Opp. Railway Station P. O. Burhar District Shahdol (M.P.) Through Its Managing Director Padam Kumar Singhania S/o Late Shrawan Kumar Singhania Aged About 60 Years., District : Shahdol, Madhya Pradesh

--- Petitioner(s)

versus

- 1** - State Of Chhattisgarh Through Secretary Public Works Department, Mahanadi Bhawan Mantralaya, Atal Nagar, Raipur Chhattisgarh.
- 2** - The Chief Engineer, PWD Bilaspur Zone Bilaspur, District - Bilaspur Chhattisgarh.
- 3** - The Superintending Engineer, PWD Bilaspur Circle, Bilaspur, District - Bilaspur Chhattisgarh
- 4** - The Executive Engineer, PWD Pendra Division Pendra Road, District - Bilaspur Chhattisgarh

--- Respondent(s)

WPC No. 782 of 2020

M/s Tirupati Buildcon Pvt. Ltd., A Private Limited Company Having Its Registered Office At Opp. Railway Station P. O. Burhar District Shahdol (M.P.) Through Its Managing Director Padam Kumar Singhania S/o Late Shrawan Kumar Singhania Aged About 60 Years., District : Shahdol, Madhya Pradesh

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary Public Works Department, Mahanadi Bhawan Mantralaya, Atal Nagar, Raipur Chhattisgarh.

2 - The Chief Engineer, PWD Bilaspur Zone Bilaspur, District - Bilaspur Chhattisgarh.

3 - The Superintending Engineer, PWD Bilaspur Circle, Bilaspur, District - Bilaspur Chhattisgarh

4 - The Executive Engineer, PWD Pendra Division Pendra Road, District - Bilaspur Chhattisgarh

--- Respondent(s)

WPC No. 2118 of 2021

M/s Gordhandas Gobindram Engineers And Contractors, A Partnership Firm Having Its Registered Office At 52, Jairam Complex, Sharada Chowk, Raipur (Chhattisgarh) Through Dheeraj Jadhvani, S/o Amrit G Jadhvani, Aged About 46 Years, R/o Ahmedji Colony, Raipur (Chhattisgarh)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan Mantralaya, Atal Nagar, Raipur (Chhattisgarh)

2 - The Chief Engineer Bridge Construction Circle, Public Works Department, Raipur (Chhattisgarh)

3 - The Superintending Engineer PW Bridge Circle, Raigarh, District- Raigarh (Chhattisgarh)

4 - The Executive Engineer PWD Bridge Division Raigarh, District - Raigarh (Chhattisgarh)

--- Respondent(s)

For Petitioner(s) : Mr.J.K.Gilda, Senior Advocate assisted by
Mr.Harsh Wardhan, Advocate

For Respondent(s) : Mr.Shashank Thakur, Deputy Advocate
General

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

30.06.2025

1. Heard Mr.J.K.Gilda, learned Senior Advocate assisted by Mr.Harsh Wardhan, learned counsel for the petitioners as well as Mr.Shashank Thakur, learned Deputy Advocate General appearing for the respondents/State.
2. Petitioner Ms Tirupati Buildcon Pvt. Ltd filed the writ petition with following reliefs:-

“10.1 This Hon'ble Court may kindly be pleased to issue an appropriate Writ or Order or direction thereby calling for the records in respect of the grievance of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to declare the Madhyastham Adhikaran Adhiniyam, 1983 (ANNEXURE-P/6) to be ultra vires to the Constitution of India.

10.3 That, this Hon'ble Court may kindly be pleased to declare clause 28 of the agreement as contained in ANNEXURE - P/2 to be ultra vires to the Constitution of India.

10.4 That, this Hon'ble Court may kindly be pleased to adjudicate and declare that the petitioner herein has the liberty to resort to arbitration under the Arbitration and Conciliation Act, 1996 for

10.5 That, the Hon'ble Court may be pleased to grant any other relief which the Hon'ble Court deems fit and proper in the facts and circumstances of the present case.

10.6 That, the Hon'ble Court in the facts and circumstances of the present case may further be pleased to grant cost of the petition to the petitioner.”

3. Petitioner Ms Tirupati Buildcon Pvt. Ltd. filed the writ petition with following reliefs:-

“10.1 This Hon'ble Court may kindly be pleased to issue an appropriate Writ or Order or direction thereby calling for the records in respect of the grievance of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to declare the Madhyastham Adhikaran Adhiniyam, 1983 (ANNEXURE-P/6) to be ultra vires to the Constitution of India.

10.3 That, this Hon'ble Court may kindly be pleased to declare clause 28 of the agreement as contained in ANNEXURE - P/2 to be ultra vires to the Constitution of India.

10.4 That, this Hon'ble Court may kindly be pleased to adjudicate and declare that the petitioner herein has the liberty to resort to arbitration under the Arbitration and Conciliation Act, 1996 for

10.5 That, the Hon'ble Court may be pleased to grant any other relief which the Hon'ble Court deems fit and proper in the facts and circumstances of the present case.

10.6 That, the Hon'ble Court in the facts and circumstances of the present case may further be pleased to grant cost of the petition to the petitioner."

4. Petitioner M/s Gordhandas Gobindram Engineers And Contractors filed writ petition with following reliefs:-

"10.1 This Hon'ble Court may kindly be pleased to issue an appropriate Writ or Order or direction thereby calling for the records in respect of the grievance of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to declare the Madhyastham Adhikaran Adhiniyam, 1983 (ANNEXURE-P/5) to be ultra vires to the Constitution of India.

10.3 That, this Hon'ble Court may kindly be pleased to declare clause 1.17 of the agreement as contained in ANNEXURE - P/3 to be ultra vires to the Constitution of India.

10.4 That, this Hon'ble Court may kindly be pleased to adjudicate and declare that the petitioner herein has the liberty to resort to arbitration under the Arbitration and Conciliation Act, 1996 for settlement of disputes.

10.5 That, the Hon'ble Court may be pleased to grant any other relief which the Hon'ble Court deems fit and proper in the facts and circumstances of the present case.

10.6 That, the Hon'ble Court in the facts and circumstances of the present case may further be pleased to grant cost of the petition to the petitioner."

5. From perusal of the prayers and pleadings made in the instant

writ petitions, it transpires that the petitioners have prayed for declaration of the Madhyastham Adhikaran Adhiniyam, 1983 to be ultra vires to the Constitution of India, but it has not been mentioned that which Rule of the Madhyastham Adhikaran Adhiniyam, 1983 to be declared ultra vires, which goes to show that the prayer drafted by learned counsel for the petitioners is in a very casual manner and further wasted the precious time of the Court as these writ petitions were filed on 14.02.2020 and learned counsel for the petitioners prayed for time on many occasions, as such, in the opinion of this Court, the prayer is defective one.

6. Accordingly, the writ petitions are **dismissed** on this ground alone with liberty to file afresh petitions with appropriate prayer, subject to depositing a sum of Rs.10,000/- each as cost by the petitioners in the Registry of this Court and the same shall be transmitted to the Government School for Visual and Hearing Impaired, Tifra, District - Bilaspur (C.G.).
7. Documents annexed with these petitions shall be returned to the counsel for the petitioners after retaining the photocopies of the same.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice