

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8055 of 2009

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M/S Vatsa Construction Pvt. Ltd. Kasturba Path, North Sri Krishna Puri, Patna, P.S.- Sri Krishna Puri, District- Patna through its Director Sri Kishore Kumar Singh, son of late Janki Prasad Singh, R/o Kasturba Path, North Sri Krishna Puri, Patna, P.S.- Sri Krishna Puri, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Visheshwaraiya Bhawan, Patna.
2. The Executive Engineer, Road Construction Department, Road Division, Sitamarhi, District- Sitamarhi.
3. The Senior Branch Manager, Bank of Baroda, Sri Krishna Puri Branch, Patna, P.S.- S.K.Puri, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Narayan Singh, Advocate.

For the State : Mr. P.K. Verma, AAG 5
Mr. S.K. Jha, AC to AAG 5

For the Respondent/Bank: Mr. Manoj Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 29-01-2015 Heard learned counsel for the parties as with regard to

the following prayer made in this writ application:

"1(i) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondents to restore the Bank Guarantee no. 23/12 dated 07.01.2009 for Rs. 22,25,800/- (Rupees Twenty Two Lacs Twenty Five Thousand and Eight Hundred) only to its original position (as contained in Annexure-2).

(ii) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondents to restore the Bank Guarantee (Annexure-2) to its original position & condition and to pay interest on it @ 12% per annum.

(iii) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondents to immediately make payments of the works done bills of the petitioner company."

2. Learned counsel for the petitioner has informed this

Court that an arbitration proceeding, by way of Reference Case

No. 52 of 2010, is pending before the Bihar Arbitral Tribunal and, therefore, he would like to press the issue, being raised by the petitioner in this writ application, before the arbitral Tribunal.

3. Mr. P.K.Verma, learned counsel appearing on behalf of the State, has no objection to such prayer inasmuch as he is confident that if the petitioner raises such claim before the arbitral Tribunal, the respondent, State of Bihar, will also have liberty to repudiate its such claim.

4. That being so, this writ application is permitted to be withdrawn with liberty to the petitioner to raise the issue before the Tribunal in accordance with law.

(Mihir Kumar Jha, J)

Sujit/-

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