

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.706 of 2011

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M/S Mother India Construction Pvt.Ltd. having its registered Office At Aspura House, Road No. 2, Sanjay Gandhi Nagar, Kankarbagh, Patna, through its Manager, Raj Kishore S/O Sri Rama Shankar Singh R/O Pesu Staff Quarter No. 4, Mangals Road, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, South Bihar (Mechanical) Sub Division, Road Construction Department, Bihar.
4. The Superintending Engineer, Central Circle, Road Construction Department, Patna.
5. The Executive Engineer, Road Construction Department, Patna West Roads Division, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli
For the Respondent/s : Mr. Vivek Prasad, GP-18,
Mr. S.K. Saraf, A.C. to GP-18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 06-05-2015 Heard the parties.

The matter at issue is the dispute between the parties arising out of a contract entered into between the petitioner and the respondent State.

In view of provision as contained in Section 9 of the Bihar Public Works Contract Disputes Arbitration, Tribunal Act, 2008, after some arguments, learned counsel appearing on behalf of the petitioner in present of the learned G.P. 18 appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to approach the Bihar Public Works Contract Disputes Arbitration Tribunal for redressal of his valid grievances.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

If any petition is filed before the aforesaid Tribunal within a period of one month from today and if it is found that the claim raised on behalf of the petitioner has become barred by limitation, then the learned Tribunal shall decide the claim of the petitioner on merit without dismissing the same on the ground of limitation as on a bonafide legal advise, the present writ petition was filed before this Court on 12.01.2011 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

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