

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2446 of 2010

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Tapan Roy Chowdhury, S/O Sri Kailash Roy Chaudhary, M/S Archii
Printing & Packaging Pvt. Ltd., 11/1, Sunny Park, Juthika Apartment, 1st
Floor, Kolkata- 700019

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Govt. of Bihar,
Old Secretariat, Patna, Bihar
2. The Executive Director, State Health Society, Health & F.W.
Department, Govt. Of Bihar, Pariwar Kalyan Bhawan, Seikhpura, Patna
3. The Administrative Officer, State Health Society, Bihar
4. The State Programme Officer, State Health Society, Bihar,

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn
For the Respondent no.1 : Mr. Sudhir Kumar, AC to AAG-2
For the Respondent nos.2to4: Mr. Kishore Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 11-02-2015 The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents for payment of contractual dues, as indicated in paragraph no.1 of the writ petition.

In the light of the order dated 11.02.2010, a counter affidavit has been filed on behalf of the respondent no.2 stating therein that all the admitted dues of the petitioner, after deducting the penalty for delay, have already paid to him.

Learned counsel appearing on behalf of the respondents submits that, in view of the aforesaid averments, the cause of action does not survive any further.

Learned counsel appearing on behalf of the petitioner, in reply, submits that he has not been able to get instructions with respect to averments made in the counter affidavit filed on behalf of the respondent no.2. Therefore, he submits that, in view of the

averments made in the aforesaid counter affidavit, he may be permitted to withdraw the present writ petition with a liberty to invoke the provisions of Bihar Public Works Contracts Disputes Arbitration, Tribunal Act, 2008, if some more amount is still due against the respondents.

In the given facts of the case permission to withdraw the writ petition is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

(Birendra Prasad Verma, J)

Arvind/-

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