

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18332 of 2014

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M/s Allied Infrastructures AND Projects Pvt. Ltd., a Company incorporated under the Provisions of Companies Act, 1956 having its Registered office at P - 16, Bentick Street, A.C. Mansion, 3rd floor, Kolkata through one of its Partner Rajeev Modi son of Saligram Modi, Resident of 48/3, Garihat Road, P.S. Garihat, District - Kolkata

.... Petitioner/s

Versus

1. The East Central Railway through the Chief Administrative officer (Construction), East Central Railway, Mahendru Ghat, Patna
2. The Financial Advisor AND Chief Accounts Officer (Construction), East Central Railway, Mahendru Ghat, Patna
3. The Chief Engineer (Construction), (South), East Central Railway having having its office situated at Mahendru Ghat, Patna
4. The Dy. Chief Engineer (Construction), East Central Railway, Rajgir (Bihar)

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.18676 of 2014

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M/s Allied Infrastructures and Projects Pvt. Ltd., a company incorporated under the provisions of companies Act, 1956 having its Registered Office at P-16 , Bentick Street , A.C. Mansion , 3rd Floor , Kolkata through one of its Partner Rajeev Modi . Saligram Modi 48/3 , Garihat Road , P.S. Garihat , District Kolkata.

.... Petitioner/s

Versus

1. The East Central Railway through the Chief Administrative Officer [Construction], East Central Railway , Mahendru Ghat , Patna
2. The Financial Advisor and Chief Accounts Officer [Construction], East Central Railway, Mahendru Ghat , Patna
3. The Chief Engineer [construction], (South) East Central Railway having its Office situated at Mahendru Ghat , Patna
4. The Dy. Chief Engineer [Construction], East Central Railway , Rajgir (Bihar)

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.1285 of 2015

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M/s Allied Infrastructures & Projects Pvt. Ltd., a company incorporated under the provisions of Companies Act, 1956 having its registered office at P-16, Bentick Street, A.C. Mansion, 3rd Floor, Kolkata through one of its Authorized Signatory Rajeev Modi son of Saligram Modi, Resident of 36-A, Garcha First Lane, P.S. Garihat, District Kolkata.

.... Petitioner/s

Versus

1. The East Central Railway through the Chief Administrative officer (Construction), East Central Railway, Mahendru Ghat, Patna.

2. The Financial Advisor & Chief Accounts Officer (Construction), East Central Railway, Mahendru Ghat, Patna.
3. The Chief Engineer (Construction), (South), East Central Railway having its Office situated at Mahendru Ghat, Patna.
4. The Dy. Chief Engineer (Construction), East Central Railway, Rajgir (Bihar).

.... Respondent/s

Appearance :

(In CWJC No.18332 of 2014)

For the Petitioner/s : Mr. S.D. Sanjay, Sr. Adv.

For the Railways : Mr. D.K. Sinha, Sr. Adv.

Mr. Anil Kumar Sinha, Adv.

(In CWJC No.18676 of 2014)

For the Petitioner/s : Mr. S.D. Sanjay, Sr. Adv.

For the Railways : Mr. D.K. Sinha, Sr. Adv.

Mr. Anil Kumar Sinha, Adv.

(In CWJC No.1285 of 2015)

For the Petitioner/s : Mr. S.D. Sanjay, Sr. Adv.

For the Railways : Mr. D.K. Sinha, Sr. Adv.

Mr. Anil Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

8 20-02-2015

Heard learned counsel for the parties.

While Mr. Anil Kumar Sinha, learned Counsel for the Railway with reference to an earlier order of this Court dated 23.1.2015 prays to adjourn all these cases on the ground of illness of Mr. Ranjit Kumar, learned Solicitor General of India appearing for Railways, Mr. S.D. Sanjai learned counsel for the petitioners seek permission to withdraw all these writ petitions in order to get its remaining grievances redressed by availing remedy before the competent authority of Railways.

Having regard to the fact that now at this advanced stage when the respondents in view of earlier orders of this court dated 8.12.2014, 10.12.2014, 17.12.2014 and 23.1.2015 were

dragged by the petitioner not only in contesting this litigation but also learned Solicitor General of India had to appear to answer the larger question that had emerged for consideration of this Court in the light of the case made out by the petitioner in these writ applications, the belated prayer of withdrawing these writ petitions can be allowed only on payment of cost.

Mr. S.D. Sanjay, learned Senior counsel for the petitioner, very fairly submits that the petitioner will be ready to pay a nominal cost which this Court would may quantify.

That being so, all these writ applications involving the issue of payment in crores of Rupees are permitted to be withdrawn subject to payment of cost of Rs. 10,000/- each for all these three writ applications which must be deposited by the petitioner in the fund of the Patna High Court Legal Services Committee on or before 28.2.2015.

The withdrawal of these writ applications, however, will not come in the way of the petitioner in approaching competent authority of Railways for the redressal of the rest of the grievance if any beyond what has already been given to the petitioner by Railways in view of the earlier interim orders of this Court as noted in the last order dated 23.1.2015.

(Mihir Kumar Jha, J)

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