

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1585 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 10682 of 2015

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DNA Infrastructure Pvt. Ltd., having registered office at B-1, Kalindi Colony, New Delhi-110065, head Office at G-11, Sector-11, Noida-201301 and Patna Branch Office at 'Anushree' Rameshwar Dayal Path, Opposite A.N.College, Boring Road, Patna-800013 through its Project Manager Mohan Kumar, aged about 46 years, son of Sri Sukhdeo Rai, resident of Yash Villa, Shanti Niketan Colony, Pharmacy Road, Police Station-Danapur Cant., District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through it's Chief Secretary, Anjani Kumari Singh.
2. Smt. Ansuli Arya, the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. Birendra Kumar, the Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
4. Sri Binay Kumar, the Superintending Engineer, Public Health Engineering Department, Muzaffarpur, Bihar.
5. Sri Jainendra Kumar, the Superintending Engineer, Public Health Engineering Department, Saharsa
6. Sri Ranjan Kumar, the Superintending Engineer, Public Health Engineering Department, Purnea
7. Sri Binod Kumar Singh, the Superintending Engineer, Public Health Engineering Department, Motihari, Bihar.
8. Sri Kishori Lal Baitha, the Executive Engineer, Public Health Engineering Department, Samastipur.
9. Sri Ram Chandra Pandey, the Executive Engineer, Public Health Engineering Department, Darbhanga, Bihar.
10. Sri Bhogendra Jha, the Executive Engineer, Public Health Engineering Department, Bettiah, Bihar.
11. Sri Nityanand Singh, the Executive Engineer, Public Health Engineering Department, Madhubani, Bihar.
12. Sri Raman Ji Jha, the Executive Engineer, Public Health Engineering Department, Dhaka, Bihar.
13. (a) Sri Dineshwar Prasad Singh, the Regional Chief Engineer, Public Health Engineering Department, Purnea.
(b) Sri Nikhil Kumar, the Regional Chief Engineer, Public Health Engineering Department, Bhagalpur.
(c) Sri Parmanand Sharma, the Regional Chief Engineer, Public Health Engineering Department, Bhagalpur.
14. Sri Manoj Kumar Gupta, Branch Manager, HDFC Bank Ltd., Plot No. 651, Jamal Road, Patna-800001.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate.
Mr. Rajesh Kumar, Advocate.
For the O.P/s : Mr. Rajiv Roy, G.P.-1
Mr. Arun Kumar, AC to GP-1



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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 30-11-2016

Heard learned counsel for the parties.

Pursuant to numerous hearings and the matter being sent before the Principal Secretary, Public Health Engineering Department, Bihar, Patna, finally it is agreed at the bar that the issue has been mutually settled, in public interest, as an exception. The terms of the settlement have been brought on record by way of Annexure-R-2/C to the second supplementary show cause filed on behalf of the Principal Secretary, Public Health Engineering Department, Bihar, Patna, which is copy of memo no. 6/Muk.-1026/15-3194 dated 28.11.2016 issued under the signature of the Engineer in Chief-cum-Special Secretary of the Department.

In view of the aforesaid, the application stands disposed off, putting a seal of approval on the terms of such settlement.

Before parting, the Court would like to observe that since the bank guarantee to be furnished by the petitioner, relates to H.D.F.C. Bank (Opposite Party No. 14), it is expected that the bank would issue the said bank guarantee, upon the petitioner satisfying the conditions, of the amount in question within the time frame, as indicated in the aforesaid letter dated 28.11.2016. However, the term of the said bank guarantee shall be for a period at least till



30th November, 2017.

Further, as a note of caution, since the Court has intervened in the matter twice keeping in view the larger public interest, it is made clear that the terms and conditions, as reflected in the order dated 28.11.2016, shall be final and binding and no party shall make any deviation from the same.

Since it is the petitioner who has primarily benefited on the intervention of the Court, which was on the categorical and unconditional stand taken by the petitioner himself, the same amounts to an undertaking to the Court, he shall not default this time.

The Court also makes it clear that if there is any default on the part of the petitioner, besides other penal consequences, it shall also amount to breach of undertaking to this Court, entailing appropriate action/orders.

(Ahsanuddin Amanullah, J)

Sujit/-

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