

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14637 of 2012

M/S R.D. Enterprises Pvt. Ltd., a company incorporated under the Indian Companies Act, 1956 having its office at 304, Mahendra Lok Apartment, Near Rajendra Nagar Over Bridge, Kankarbagh, Patna-20, through one of its Directors Sri Raju Prasad, son of Sri Krishna Kumar, resident of 304, Mahendra Lok Apartment, Near Rajendra Nagar Over Bridge, Kankarbagh, P.S.-Kankarbagh, Patna (Bihar)

..... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health and Engineering Department, Government of Bihar, Vishwaweshraiya Bhawan, Bailey Road, Patna
2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Vishwaweshraiya Bhawan, Bailey Road, Patna
3. The Engineer-in-Chief-cum-Special Secretary, Public Health and Engineering Department, Government of Bihar, Vishwaweshraiya Bhawan, Bailey Road, Patna
4. The Chief Engineer (Urban), Public Health and Engineering Department, Government of Bihar, Vishwaweshraiya Bhawan, Bailey Road, Patna
5. The Superintending Engineer, Public Health and Engineering Circle, Government of Bihar, Chajjubagh, Patna
6. The Executive Engineer, Public Health Division, Patna East, Chajjubagh, Patna

..... Respondents

Appearance:

For the Petitioner : Mr. Raj Kishore Prasad, Advocate
For the Respondents : Mr. Subhash Pd. Singh, GA3
Mr. Dilip Kumar, AC to GA 3

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-08-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. At the very outset, this Court takes note that the impugned action of the respondent is rooted in its letter no. 1056 dated 03.11.2008 (Annexure-12) by which the work order of the petitioner stood cancelled and the earnest money stood forfeited. The subsequent

letters dated 17.05.2011 and 30.12.2011 merely constitute action taken for recovery of the amount of earnest money so forfeited.

3. Considering that the forfeiture of the earnest money was made in the year 2008 itself, this Court finds that the petitioner has not acted with due diligence in pursuing its remedy as the present writ petition has been filed more than three and half years thereafter.

4. The writ petition is therefore dismissed on grounds of delay and laches on the part of the petitioner.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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