

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1235 of 2017

In

Civil Writ Jurisdiction Case No. 16152 of 2015

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M/s. Shri Laxmipati Balajee Construction, a Partnership firm constituted under the Indian Partnership Act, having its office at MIG 290, Kankarbagh, Patna- 800008, through its working partner, Anup Kumar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Superintending Engineer, Rural Works Department, Works Division Masaurhi, Patna.
3. The Executive Engineer, Rural Works Department, Works Division Masaurhi, Patna.
4. The Assistant Engineer, Rural Works Department, Works Division Masaurhi, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Apurva Harshit, Adv.
Mr. Vinod Kumar, Adv.

For the Respondent/s : Mr. Pushkar Narain Shahi, AAG - 6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 02-08-2017 This modification application has been filed seeking modification in the judgment dated 29.3.2017 passed in CWJC No.16152 of 2015 in so far as it concludes any right in the petitioner to seek an extension of the contracted period in case the tender is allotted to somebody else.

Mr. Hasrshit, learned counsel appearing for the petitioner accepts that the fourth round tender has gone in favour of another person and prays for modification of the judgment to claim admissible dues as well as to move before the arbitral tribunal.



In my opinion, the prayer made in the modification application is misconceived in view of the determination of right of the petitioner on such eventuality as taken note of by this Court at page 7 of the judgment. No cause for indulgence is made out.

In the circumstances, the modification application is dismissed.

(Jyoti Saran, J)

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