

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.18023 of 2012

ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents more particularly, the action of the 4th respondent in withholding the amounts arising out of Agreement bearing No.02/CAO/C/SC/2009, dated 07.01.2009 due to the petitioner company including the security deposit, as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents more particularly the 4th respondent to release the amount due to the petitioner company as reflected in the final variation statement admitted by the respondents with consequent damages.”

During course of hearing, the learned counsel for the petitioner submitted that during the pendency of the writ petition and pursuant to the orders of this Court, the respondents have paid the amounts that were claimed by the petitioner. However, no amount is paid towards interest and damages for the delayed payment. Therefore, the learned counsel for the petitioner submits that the petitioner may be permitted to withdraw the writ petition with liberty to work out the remedies in so far as the interest and damages is concerned in appropriate Forum.

Permission is accorded.

The Writ Petition is accordingly dismissed as having been withdrawn, with liberty as sought for.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL, J

Date: 10.10.2017
Dsr