

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5068 of 2018

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Bagaha Contractors Pvt. Ltd. through its Director Niraj Kumar, Son of Shri Prem Chand Prasad, resident of Village Dumwalia, P.S. Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Visheshwaraiya Bhawan, Bailey Road, Patna.
2. The Chief Engineer, Rural Works Department, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Rural Works Department, at and P.O. Bettiah, District West Champaran.
4. The Executive Engineer, Rural Works Deptment, Work Division-2, at and P.O. Ram Nagar, District West Champaran.
5. The District Magistrate, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh Chouhan, Adv

For the Respondent/s : Mr. P.N. SHAHI- AAG6

Mr. Sanjeet Kumar Singh, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-04-2018

The present writ petition has been filed for issuance of a writ of mandamus commanding the respondents to give effect the order of award by making the payment of award amount in terms of its decree along with the prayer for return of NSC deposited by the petitioner with the respondents as security deposit.

2. At the very outset, Mr. Braj Kishore Singh Chouhan, learned counsel appearing on behalf of the petitioner states that appropriate steps for execution of the arbitral award will be taken and hence the prayer in this regard need not be pressed. The respondent-bank has already issued possession notice under Section 13(4) of the SARFAESI Act.



3. Considering that the petitioner has remedy by way of statutory appeal under Section 17 of the SARFAESI Act against such action taken by the respondent-bank, this Court is not inclined to proceed further in the matter. However, the petitioner is at liberty to avail of such remedy as may be available to it in accordance with law for redressal of its grievances.

4. As regards the prayer for return of the NSC is concerned, this Court is of the view that the ends of justice will be met if the petitioner is granted liberty to file an appropriate representation before the Executive Engineer, Rural Works Department, Work Division 2, At and P.O. Ram Nagar, District West Champaran (respondent no. 4) in this regard. If any such representation is filed within two weeks from today, the same shall be considered and disposed of expeditiously and in any event within a period of four weeks thereafter in accordance with law. If it is found that the petitioner is entitled to return of the NSC, the same shall be returned without further delay. In case however, the request of the petitioner is found not tenable, a speaking order in this behalf should be passed.

4. The writ petition stands disposed, of as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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