

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1985 of 2016

IN

Civil Writ Jurisdiction Case No. 11502 of 2014

- =====
1. The State Of Bihar through the principal secretary,rural works
Department,Govt.of Bihar,Patna
 2. The secretary ,Rural works Department Govt.of Bihar,Patna
 3. The Additional secretary,Rural works Department ,Govt.of Bihar
 4. The Executive Engineer, Rural works Department ,work Division, Danapur,
Patna
 5. The Executive Engineer, Rural work Department ,word Division-2,Patna
 6. The Certificate Officer, Patna

.... Appellant/s

Versus

M/s Agastya Engineers Pvt. Ltd. through its Director Manish singh L.40,Road no.-
20,Sri krishna Nagar,Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-01-2018

Heard learned counsel for the appellants-State and the
learned counsel for the private respondent.

No interference is warranted with the impugned order
dated 18.03.2016 because the view taken by the learned Single Judge
seems to be correct. Merely because there is a submission made on
behalf of the State that there is a clause in the standard bid document



and that by itself should be read as part of the agreement, is a fallacious argument because the standard bid document only lays down broad parameters etc. and cannot form the actual agreement itself.

Since Public Demand Recovery Act is a Special Act, therefore, only within the provisions of the Act, the demand indicated therein alone cannot become a public demand and every demand cannot be brought under the ambit of Public Demand Recovery Act.

There is already within the agreement a dispute redressal forum and system formulated therein, the state is free to invoke the same.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
CAV DATE	NA
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