

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8269 of 2009

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M/S Arjundas Naraindas Construction Co., a joint venture firm having its office at 14/441, Binodpur, Katihar-854105 through its Authorised Representative Sri Gordhandas Khushwani son of Late Harumal

.... Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, District Hajipur.
2. The General Manager, East Central Railway, Hajipur, District - Hajipur
3. The Chief Administrative Officer (Construction), East Central Railway, Mahendru Ghat, Patna, District – Patna
4. Financial Advisor-cum-Chief Accounts Officer (Construction), East Central Railway, Mahendru Ghat, Patna , District Patna
5. The Chief Engineer (Construction) (East), East Central Railway, Mahendru Ghat, Patna, District - Patna
6. The Deputy Chief Engineer/Construction/I, East Central Railway, Hajipur
7. State Bank of India, Katihar Branch, District Katihar through its Chief Manager

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Raju Giri Mr. Ashish Giri, Advocates
For the Respondents	:	Mr. Devendra Kr. Sinha, Sr. Advocate Mr. Bijoy Kr. Sinha, Mr. Bindhayachal Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

The present writ petition has been filed for the following
reliefs –

“(i) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondent East Central Railways (ECR) to release the bank guarantee bond bearing Guarantee No. 14/2007 dated 25.7.2007 of the amount Rs. 60,55,000/- drawn on State Bank of India to the petitioner, who, in lieu of security deposit and earnest money in regard to



contract agreement no. ECR/CAO/Con/WT/117 dated 22.9.2005 had furnished in favour of the respondent no. 4 immediately.

(ii) To issue an appropriate writ/order/direction, restraining the respondent East Central Railway to invoke the aforesaid bank guarantee and also to restrain the respondent no. 7, State Bank of India to release the amount of the Bank guarantee in favour of the Railways.

(iii) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondent East Central Railway to also release the 'FDR' (Fixed Deposit Receipt) of Rs. 50,000/- deposited by the petitioner towards earnest money at the time of submitting his tender paper in relation to the aforesaid contract.

(iv) To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondent no. 7 State Bank of India to release the securities mortgaged by the petitioner against the bank guarantee.

(v) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case."

2. Mr. Raju Giri, learned counsel for the petitioner appears and states that the grievance of the petitioner has now been redressed upon having received payment in question and the matter has thus become infructuous.



3. Mr. Devendra Kumar Sinha, learned senior counsel for the respondents appears and has been heard.
4. The writ petition accordingly stands dismissed.

B.T/Ibrar

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.04.2018
Transmission Date	N.A.

