

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5778 of 2017

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M/s I V R C L Ltd., having its Bihar Regional Office at H.No. 14, Flat No. A1, Kamta Sadan Apartments, Kamta Singh Kam Lane, Near Oro Dental Clinic, East Boring Canal Road, Patna, Bihar-800001, through the Regional Head, Shri Pammi Edward Silvistor,, S/o Shri Ratna Raju

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
2. The Engineer-in-Chief-Cum-Spl. Secretary, Govt. of Bihar, Public Health Engineering Department, Patna
3. The Regional Chief Engineer, Public Health Engineering Department, Govt. of Bihar Patna.
4. The Superintendent Engineer, Public Health Engineering Department, PH Circle, Patna West, Patna.
5. The Executive Engineer, Public Health Engineering Department, PH Division, Maner, Patna West, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mrs. Namrata Mishra, Advocate.

For the Respondents : Mr. Maruty Nath Roy, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-01-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs:

“(I) For restraining the respondents from encashing the Bank Guarantee No. 1303909BG000461 dated 12.12.2009 for Rs. 4,96,00,000/- and Bank Guarantee No. 0910309BG0000824 dated 02.06.2009 for Rs. 1,24,00,000/- (extended till 30.11.2017) and also Bank Guarantee NO. 1303912BG0001299 dated 13.09.2012 for Rs. 63,06,896/- (extended till 30.06.2017), having bee



submitted by the petitioner-Company in pursuance of Agreement No. 05/2009-10 dated 10.06.2009 arising from work order no. 6/WQ-1014/08-524 dated 21.05.2009 of respondent no. 5, the Executive Engineer, P.H.E.D., P.H Division, Maner.

(II) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

3. Without entering into the merits of the matter, this Court takes note of the submission of learned counsel for the respondents who invites attention to paragraphs- 18 to 20 of the counter affidavit, to the effect that subject Bank Guarantees have already been invoked by the respondents and a demand for the same placed with the Bank by Letter Nos. 1638 dated 28.07.2017 and Letter No. 1641 dated 28.07.2017. Pursuant thereto, the Bank has intimated that a demand draft for Rs. 6,83,06,896/- has already been issued and sent to the Executive Engineer, P.H Division, Patna West by speed post.

4. A copy of the counter affidavit was served on learned counsel for the petitioner on 17.08.2017 but the statements therein have not been controverted and no rejoinder thereto has been filed till date.

5. In the above circumstances, the writ petition has therefore become infructuous inasmuch as the question of restraining



the respondents from invoking the Bank Guarantees no longer arises.

6. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.01.2018
Transmission Date	N.A.

