

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1370 of 2017
In
Civil Writ Jurisdiction Case No.6708 of 2017

-
-
1. The State of Bihar
 2. The Principal Secretary, Mines and Geology, Bihar, Patna
 3. The District Magistrate, Aurangabad
 4. The Assistant Director, Mines and Geology, Aurangabad

... .. Appellant/s

Versus

Katyani Contractors Pvt. Ltd. Having its office at Pareo, Bihta, P.S. Bihta, District Patna through its Director, Ashok Kumar son of Late Ram chandra Sah resident of village Pareo, Bihta, P.S. Bihta, District Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Dikshit, Adv.
Mr. Rajendra Prasad, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 07-01-2019

Heard Mr. Naresh Dikshit, learned counsel appearing for the appellants and learned counsel for the respondent-writ petitioner.

This appeal arises from the judgment and order of learned Single Judge dated 08.08.2017 passed in C.W.J.C. No. 6708 of 2017 whereby the State in its Mining Department was directed to refund the earnest money deposited by the petitioner together with interest at the rate of 7%. It is following our orders that a supplementary affidavit has been filed on behalf of the appellant enclosing a report dated 19.12.2018 whereby it is informed that in fact the earnest money deposit made by the petitioner was only Rs. 2,21,22,600/- and not Rs. 3,21,60,979/- as



claimed by the respondent-writ petitioner before the learned Single Judge.

Mr. Dikshit, learned counsel in reference to the affidavits has stated that the entire earnest money deposit made by the petitioner to the tune of Rs. 2,21,22,600/- had been refunded to the petitioner and who has also filed an affidavit before this Court that he has no grievance now subsisting.

In view of the consent so expressed by the respondent-writ petitioner to the nature of refund made which waives of his right to the interest so granted by the learned Single Judge, we do not consider it necessary to adjudicate on the appeal which is disposed of accordingly in view of the circumstances noted above and in view of the affidavit so filed on behalf of the respondent-writ petitioner expressing satisfaction on the refund.

The appeal is disposed of.

Interlocutory application if any, stands disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2019
Transmission Date	NA

