

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20402 of 2016

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Bipin Bihari Srivastava S/o Late Raj Dhari Prasad resident of Village
Makundiya, P.O. - Basdila Bazar, P.S. - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary, Department of Water Resources-cum-Chairman, Bihar, State Construction Corporation Li
3. The Bihar State Construction Corporation Limited through its Managing Director at its Head Quarter a
4. The Managing Director, Bihar State Construction Corporation Limited, Office at Khwaja Imali, Anisab
5. The Secretary, Administration, Bihar State Construction Corporation Ltd. Head Quarter at Khwaja Ima

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Vikash Kumar-Sc11

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2020

Heard learned counsel for the parties.

It is submitted on behalf of the respondent/Bihar State Construction Corporation Ltd. (for short “Corporation”) that in similar circumstances, earlier a Division Bench of this Court in Letters Patent Appeal No. 177 of 2018(The Chairman, Bihar State Consruction Corporation Ltd. vs. Ishwar Chandra Sharma and Ors.), vide judgement/order dated 08.10.2018, has been pleased to observe following:-



“In view of the above and for the reasons stated above, and in view of the changed circumstances referred to hereinabove, present Letters Patent Appeal is allowed and the impugned judgment and order passed by the learned Single Judge is, hereby, quashed and set aside with liberty to the original writ petitioner, either to intervene in the said proceedings before the National Company Law Tribunal, Kolkata Bench or to wait for the outcome and then take appropriate steps, in accordance with law, before the appropriate forum. It will be open for the original writ petitioner to submit an appropriate application before the National Company Law Tribunal, Kolkata Bench for payment of his dues pointing out the special circumstances, and the learned Tribunal may consider the same, in accordance with law, for which we have not expressed anything in favour of any party.”

It has further been submitted on behalf of respondent/Corporation that recently, an order has also been passed on 16th October, 2019 by the Member (J), National Company Law Tribunal, Kolkata Bench, whereby; Moratorium was declared for the purposes referred to in Section 14 of the Insolvency and Bankruptcy Code, 2016.



In the light of above submission on behalf of respondent/Corporation as well as order dated 16.10.19, this writ may be disposed of granting liberty to the petitioner either to intervene in the said proceedings before the National Company Law Tribunal, Kolkata Bench or to wait for the outcome and then take appropriate steps before the appropriate forum.

With the aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.7.2020.
Transmission Date	

