

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4252 of 2021

Sanjay Kumar, Son of Sri Brij Nandan Singh, Resident of Village and Post-Dewan Fathpur, P.S. Khizarsarai, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-1, Rural Works Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Work Circle, Gaya.
5. Executive Engineer, Rural Works Department, Work Division, Rajauli.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Anshuman, Advocate Mr. Sanjay Kumar, Advocate Mr. Baban Kumar, Advocate Mr. Prashant Prakash, Advocate
For the Respondent/s	:	Mrs. Archana Meenakshee, GP-6

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (1) That present writ application has been filed after receiving information about order for Recovery vide letter no. 1721& 1723 dated 28-12-2020 as well as against the order dated 14/12/2020 passed by the three man committee constituted by the officers of Rural Works Department, Govt. of Bihar whereby and where under the appeal filed against the



Cancellation of Agreement vide letter no. 1060 and 1066 dt. 14-09-2020 for two projects by which agreement No. 118/86D/2017-18 have cancelled and directed to deposit Rs. 64,798/- and Rs. 2100073/- in the name of EERWD(w) Division Rajauli has been rejected upholding the orders of Executive Engineer RWD, work Division Rajauli..

Learned counsel for the petitioner seeks permission to withdraw the present petition enabling the petitioner to prefer an appeal under the provisions of, and more specifically Rule 12 of the Bihar Registration of Contractors Rules (Rural Works Department), 2007.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a



period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of three months from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in



accordance with law and with reasonable dispatch;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

