

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.132 of 2021**  
**In**  
**Civil Writ Jurisdiction Case No.3915 of 2019**

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1. The State of Bihar through Principal Secretary cum Commissioner, Building Construction Department, Government of Bihar, Patna
2. The Engineer-in-Chief - cum - Additional Commissioner - cum - Special Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (Patna), Building Construction Department, Government of Bihar, Patna.
4. The Executive Engineer, Construction Division No. 1, Building Construction Department, Bihar, Patna.

... .. Appellant/s

Versus

Uttar Pradesh Rajkiya Nirman Nigam Ltd. (A Uttar Pradesh Government undertaking, An ISO 901-2000 Certified) Registered Office Vishweshwaraiya Bhawan, Vibhutikhand, Gomtinagar, Lucknow - 226010, through its General Manager, O.OP. Pathak, aged about 56 years son of Late Sri Kanti Krishna Pathak, resident of 98, 2nd Main 7th Cross, behind Corporation Bank Kengari satellite Town, Bangalore South, Kengari Bangalore, South Bangalore, P.S. - Kengari Satellite Town, Karnatka - 56060

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ravi Bhardwaj, Advocate  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)**

**Date : 09-09-2021**



**I.A. No. 1 of 2021**

Having heard learned Counsel for the parties, we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The appeal shall be treated to be within time.

**L.P.A. No. 132 of 2021**

This appeal is directed against the judgment dated 30.04.2019 passed in C.W.J.C. No. 3915 of 2019, titled as Uttar Pradesh Rajkiya Nirman Nigam Ltd. Vs. The State of Bihar & Ors., by a learned Single Bench of this Court.

Learned counsel for the appellants states that even though matter may have become infructuous, but nonetheless issue of interpretation of the terms of N.I.T., needs to be considered by the Division Bench for the findings returned by the learned Single Judge cannot be said to be in consonance with the settled principles of law.

In view of the fact that the appeal has become infructuous inasmuch as the judgment in question stands implemented, we are not inclined to interfere, but however, leave the question of law open to be adjudicated in an appropriate case.

The appeal stands disposed of.



We clarify that the Department shall not be bound by the interpretation under the impugned judgment and it shall be open for them to take a view strictly in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/-

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