

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10019 of 2020

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M/s Arya Ratna Near Hospital India, Tiwari Sadan, Road No. 19, Shri Krishna Nagar, District- Patna through its Proprietor Arya Ratna, aged about 33 years, Gender Male, Son of Late Lav Kush Arya, Resident at - Prathmik Vidyalay Chakaram Ke bangal Wala Road, Buddha Colony, P.S.- Budha Coloney, Patna

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Finance Department, Government of India, New Delhi
2. The Chief Engineer, Central Warehousing Corporation, CO, New Delhi
3. The Regional Manager, Central Warehousing Corporation, RO, Patna
4. The Manager (A/C), Central Warehousing Corporation, RO, Patna
5. The Executive Engineer Central Warehousing Corporation, RO, Patna
6. The HOE/Assistant Engineer Central Warehousing Corporation, RO, Patna
7. Branch Manager, Andhra Bank, Patliputra, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the Respondent/s	:	Mr. Dr.K.N. Singh, ASG
		Mr. Kumar Priya Ranjan, CGC

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

Date : 20-12-2021

Heard learned counsel for the parties.

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

- i.) For setting aside the order contained in Letter No. CWC/Ro-Patna/PEB-Ranchi/20-21/643 dated 22-06-2020 issued under the signature of Executive Engineer, Central Warehousing Corporation, RO, Patna whereby and where under terminated the Tender of the petitioner and forfeited the EMD and Performance Guarantee for work namely



Pre-fabricated warehouse shed at CW, Ranchi in terms of clause 3 and Clause 2.2 of the Special Conditions of Contract as there is no provision in the Special Conditions of Contract for termination of Tender.

- ii.) For a direction upon the respondent authorities to refund the EMD and Performance Guarantee of the petitioner as no agreement was executed in between the parties.
- iii.) For restraining the respondents authorities to not to invoke the EMD and PG submitted by the petitioner until final disposal of this case.
- iv.) For any other relief/reliefs for which petitioner may be deemed entitled.

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition, on the same and subsequent cause of action, if so required and desired.

Permission granted with liberty as prayed for.

Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Joint Registrar (List) shall take steps for listing the petition at the earliest.

Instant petition stands dismissed as withdrawn 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	21.12.2021
Transmission Date	

