

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1000 of 2019

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K N R J KM KAML A (J V) having its Corporate Office at C-84, Greater Kailash-1, New Delhi 110048 through its authorized signatory Abhay Kumar Mishra, Son of late Chandra Mishra, resident of Shankat Mochan Nagar, New Police Line, P.S. Nawada, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief (North), Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Purnia.
4. The Superintending Engineer, Water Resources Department, Irrigation Circle, Patna.
5. The Executive Engineer, Irrigation Division, Araria, District- Araria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate

For the Respondent/s : Mr.Anjani Kumar, AAG-4

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

Date : 17-10-2022

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

“(i) Quashing of the Letter No. 917 dated 20.10.2018 (Annexure 8) issued by the Executive Engineer, Irrigation Division, Araria, whereby a negative bill of Rs. 51,24,92,043/- (minus 41 Crores 24 Lacs 92 Thousand 43 Rupees) has been raised against the Petitioner.

(ii) Quashing of the subsequent letter no. 1039 dated 17.11.2018 (Annexure-9) issued by the



Executive Engineer, Irrigation Division, Araria, whereby an amount of Rs. 23,51,44,000/- furnished to the department as Security Deposit has been adjusted in the Negative Bill of Rs. 5124.92 Lacs and further the Petitioner has been directed to deposit the remaining amount of Rs. 2773.43 Lacs in the Division Office Araria, failing which, legal action for recovery has been contemplated;

(iii) Quashing of the subsequent letter no. 1094 dated 07.12.2018 (Annexure 11) issued by the Executive Engineer, Irrigation Division, Araria, whereby the final bill has been prepared at the risk and cost of the Petitioner and also the rejection of the claims raised by the petitioner firm has been communicated with a further direction to deposit the recoverable amount within the period of three days failing which legal action have been contemplated; and

(iv) Quashing of the subsequent letter no. 1213 dated 17.12.2018 (Annexure 12) issued by the Executive Engineer, Irrigation Division, Araria, on the instructions and approval of the jurisdictional Superintending Engineer, whereby the recoverable amount has been requantified at Rs. 50,29,46,930/- and the petitioner has been directed to deposit the same within a period of three days failing which appropriate legal action has been contemplated.”

Shri Prabhat Ranjan, learned counsel for the petitioner states that the petitioner be permitted to withdraw the present proceeding in view of the intervening developments



inasmuch as the *lis, inter se* the parties, arising out of the very same agreement, now pending adjudication before the learned Arbitrator of this Court in Request Case No. 13 of 2022, titled as **KNR-JKM-KAMLA (JV) vs. The State of Bihar & Ors.**

Liberty, as prayed, is granted.

Needless to add, it shall be open for the petitioner/parties to raise all issues in the proceedings, which are pending adjudication before the learned Arbitrator.

Petition stands disposed of.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	20.10.2022
Transmission Date	

