

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1572 of 2022

=====

Kashish Developers Limited Registered Office at - 87 Old AG Colony, Kadru, Ranchi, Jharkhand - 834002, Local Address at - 201, Kamla Sadan Apartment, Punai Chak, District - Patna, through its Director Mukesh Kumar, aged about 45 years, Gender- Male, Son of Sri Mukut Prasad Rao, Resident of 171, Mushahari, Bijbaniya, P.S. - Lauriya West Champaran, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the 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, Building Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, Building Division, Katihar, Building Construction Department, Bihar, Patna.
5. The Executive Engineer, Building Division Katihar, Building Construction Department, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Mr. Lalit Kishore (AG)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER



(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-03-2022 The petitioner has prayed for the following relief/s

:-

- i.) For setting aside the Office Order no. 12 dated 28-06-2021 contained in Memo No. 545 dated 28-06-2021 issued under the signature of the Executive Engineer, Building Division, Katihar whereby and whereunder rejected the reply of the petitioner dated 19-05-2021 and further rescinded the agreement bearing Agreement No. SBD 05/2016-17 with respect to work namely "Construction of Katihar Engineering College, Kathiar" in terms of SBD Clause 03 and 14 (iii).
- ii.) For any other relief for which the petitioner may be deemed entitled to.

Learned counsel for the petitioner seeks permission to withdraw the preset petition enabling the petitioner to take recourse to such alternative remedies, as are otherwise available, in accordance with law, more specifically, by invoking the arbitration clause, as contained in the agreement.

After the matter was heard for some time, finding



the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, more so in view of the disputed question of fact, fairly states that petitioner be permitted to withdraw the present petition reserving liberty to invoke the arbitration clause, and/or take recourse to such alternative remedies as are available in accordance with law.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

U			
---	--	--	--

