

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2942 of 2022

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M/S Adonis Infratech Private Limited H/O Dharamshila Kumari, Maruuti Nagar, Chiryatand, Patna, through its Managing Director, Om Prakash Singh, aged about 46 years, M, s/o Late Hargovind Singh, r/o vill.- Mahna, P.O. - Mahna, P.S. - Barani, Distt. - Begusarai.

... .. Petitioner/s

Versus

1. The Union of India the General Manager, East Central Railway, Hajipur, Bihar, Pin 844101.
2. The General Manager, East Central Railway, Hajipur, Bihar, Pin 844101.
3. The Divisional Railway Manager, East Central Railway Mugalsarai, (UP) Pin code - 232101.
4. The Divisional Engineer, III, East Central Railway Mugalsarai, (UP) Pin 232101.
5. The Asst. Divisional Engineer, East Central Railway, Japla, Jharkhand, Pin 822116.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Respondent/s : Mr.Dr. Krishna Nandan Singh (ASG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(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 : 14-10-2022

Heard learned counsel for the parties.

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

(i) To issue a writ (s) **CERTIORARI** in nature setting aside the letter-MGS/BT/16/Den/III/18-19 dt. 11/01/2022^(Amr-8) issued under signature of Sr. Divisional Engineer (III), East Central Railway, DDU. upon representation presented by the petitioner dated 24/12/2021 in view of the order passed by the Hon'ble High Court in CWJC no-16203/2019 Dt-21/12/2021 by

which the respondents has refused to pay back the earnest money as well as Performance guarantee money.

(ii) To issue a Writ (S) **MANDMUS** in nature directing the respondents to release the EMD and performance guaranty as well as interest of the same which has been submitted by the petitioner.

(iii) To any other relief (S) for which petitioners are entitled for in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned **i.e. Respondent no. 4, The Divisional Engineer, III, East Central Railway Mugalsarai, (UP) Pin 232101** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) 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;

(g) Liberty reserved to the petitioner to approach the

appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	