

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9970 of 2021

Hari Mohan Bishwas, Son of Sri Sagam Lal Bishwas, a Proprietorship firm through its Proprietor Hari Mohan Bishwas, Resident of Village-Bharra, Post Office-Kalsar, P.S.-Dhandkhora, Anchal-Hasanganj, Distt-Katihar-854337
... Petitioner

Versus

1. Bihar State Educational Infrastructure Development Corporation Ltd., A Govt. of Bihar Undertaking (B.S.E.I.D.C.) office at Shiksha Bhawan, Bihar Rastrabhasa Prishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna-800004, through its Managing Director, Sri Sanjay Kumar Singh.
2. The Managing Director, B.S.E.I.D.C. at Patna.
3. The Chief Engineer, B.S.E.I.D.C. at Patna.
4. The Executive Engineer, B.S.E.I.D.C., Purnia.
5. The Junior Engineer, B.S.E.I.D.C., Purnia. ... Respondents

Appearance :

For the Petitioner : Mr. Chiranjiva Ranjan, Adv.
For the Respondents : Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022

The petitioner has prayed for the following reliefs :

- “(i) To issue an appropriate writ(s), order(s) in the nature of writ of Mandamus holding and declaring that the action of the Respondents for not revisioning the rate of Contract/Agreement No. 04 SBD of 2016-17/Group No. SSSM-15E (M.S. at Chandwar in District of Purnia) after lapse of 15 Months time for Construction of project due to not providing the N.O.C. of land as per Site Plan (Maps), is in violation of Articles 14, 16 and 19(1)(g) of the Constitution of India;
- (ii) To issue a writ of Mandamus directing the



Respondents to execute fresh supplementary contract along with Time extension @ G.S.T. tax prevailing w.e.f. 1.6.2017 so that question of reimbursement of levy/taxes prevailing at the time of executing contract does not arise as per clause 35 of the Contract;

(iii) To issue a writ of prohibition in favour of the petitioner, prohibiting the Respondents from taking any coercive action against the petitioner without following the due process of law and without adhering to the principles of natural justice;

(iv) Pending admission, hearing and/or final disposal of this petition, this Hon'ble Court may be pleased to direct the Respondents not to invite tenders for this contract work;

(v) Such other and further relief as this Hon'ble Court may deem just, fit and expedient be granted in favour of the petitioner.”

After the matter was heard for some time finding the Bench not to be in favour of submission so made, learned counsel for the petitioner prays for the petition to be disposed of in the following terms :

- (a) Petitioner withdraws the present petition;
- (b) All issues of fact and law are left open;
- (c) If the petitioner represents before the appropriate authority, the same shall be considered and decided expeditiously in accordance with law within a period of six



months thereafter.

Also, liberty reserved to the petitioner to take recourse to such other remedy as are otherwise available in accordance with law.

All issues of law and fact are left open.

The petition is disposed of in the aforesaid terms.

Interlocutory application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

Shamshad/KC
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