

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9048 of 2019

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Sheo Kumar Singh S/o Sh. Jagarnath Roy R/o Laljee Tola, Near Devi Sthan,
P.s.- Gandhi Maidan, Patna-800001

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Information and Broadcasting, Govt. of India, Shastri Bhawan, Sansad Marg, New Delhi-110001
2. The Secretary Ministry of Information and Broadcasting, Govt. of India, Shastri Bhawan, Sansad Marg, New Delhi-110001
3. The Chief Executive Officer Prasar Bharti, Broadcasting Corporation of India, Prasar Bharti Secretariat, II Floor, PTI Building, New Delhi-110001
4. The Director General, All India Radio Directorate, Akashwani Bhawan, Parliament Street, New Delhi-110001
5. The Engineer in Chief All India Radio, Akashwani Bhawan, I Floor, Sansad Marg, New Delhi
6. The Chief Engineer (Civil) Civil Construction Wing, All India Radio, Soochna Bhawan, Lodhi Road, C.G.O. Complex, New Delhi-110003
7. The Superintending Engineer (Civil) Civil Construction Wing, All India Radio, Golf Green, Fourth Floor, Doordarshan Bhawan, Kolkata-700095
8. The Executive Engineer (Civil) Civil Construction Wing, All India Radio, Patna
9. The Assistant Engineer (Civil) II Civil Construction Wing, All India Radio, Patna
10. The Director (Engineering) All India Radio, Bhagalpur
11. The Orchid Profiles Pvt. Ltd. Moti Bhawan, Behind RBI, Salimpur Ahra, P.s.- Gandhi Maidan, Patna-800003

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Maruth Nath Roy, Advocate
For the Respondent/s	:	Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of a writ in the nature of certiorari to quash Letter No.CCW/AIR EE(C)PAT/Acctt/2016-17/798 dated 06.09.2016 of the Executive Engineer (Civil), CCW A.I.R., Patna by which he has forfeited the performance guarantee submitted by the petitioner under Clause (5) of the agreement even though no agreement was executed by him and further to quash the Letter No.1-1(Misc)/Kolkata/2016-17/Vol.III/2180 dated 25.02.2019 issued under the signature of the Chief Engineer (Civil), Civil Construction Wing, All India Radio, New Delhi by which he has upheld the forfeiture of the performance guarantee and for issuance of a consequential writ in the nature of mandamus directing and commanding the respondent authorities to return the performance guarantee submitted by the petitioner and/or for issuance of any other appropriate writ/writs, order/orders, direction/directions which seem just and equitable in the facts and circumstances stated hereunder.”

In view of the fact that Bihar Public Works Dispute Arbitration Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings

are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law, preferably within a period of six months from the date of institution.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Veena/- Rajiv

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA