

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7276 of 2022

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M/s Imperial Foundation Private Limited, Patna through it Managing Directors Sanjiv Kumar Male aged about 47 Years R/o 3rd Floor, Kunwar Complex, Opposite State Bank of India, Kankarbagh, Police Station-Kankarbagh in the District of Patna.

... .. Petitioner/s

Versus

1. The Union of India through its Chief administrative Officer (Construction) East Central Railway, Construction Organization, Mahendru, Patna.
2. The Chief Engineer (North) Construction Organization East Central Railway, Mahendru, Patna.
3. The Chief Engineer/Construction E.C. railway, Narkatiyaganj, Bihar in the District of West Champaran.
4. The Deputy Chief Engineer/Construction East Central Railway, Narkatiyaganj, in the District of West Champaran.
5. The Deputy Chief Engineer (North) Construction Organization East Central Railway, Mahendru, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Mr. Manoj Vatsal, Advocate.

For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

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

Date : 27-07-2022

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

“(I) To issue a writ in the nature of mandamus commanding the respondent to allow the petitioner to complete the construction of switching post at Sitka, Narkatiyaganj and Gaunaha and fabrication, supply and fixing of RSSO standard height Gauge at level crossing between RXL-NKE and NKE-GAH



section in connection with Gauge conversion work of RXL-NKE-GAH section in view of the order of acceptance/letter of acceptance dated 29/09/21 assigned to the petitioner company after due process of contract.

(II) Also to quashed the termination of work letter dated 08/11/2021 whereby work order/order of acceptance dated 29/09/21 was terminated without any substantive reasons and also restrain the petitioner company to participate in further work of for the same contract.

(III) Also to stay the execution of fresh tender which closing dated is 30/11/21, issued by respondent authority for the same work after termination of work order/letter of acceptance till the disposal of the instant writ application.

(IV) Any other relief/reliefs for which petitioner is found entitled in the eye of law.”

Shri Kumar Priya Ranjan, learned counsel for the respondents, states that the contract stands terminated post issuance of notice. Also, fresh work stands allotted to third party and that the petitioner has equally efficacious remedy in terms of the General Conditions of Contract.

In view of the same, learned counsel for the petitioner states that petitioner shall take recourse to such remedies as are otherwise permissible and admissible in accordance with law, within a period of two week.



As and when any such proceeding is initiated by the petitioner before the appropriate authority, the same shall be considered and decided expeditiously.

The petition stands disposed of with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	03.08.2022
Transmission Date	

