

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7401 of 2022

Ms/ Manglam Agrocon (India) Pvt. Ltd. Janki Nagar, Hanuman Nagar, Patna
represented by Narendra Kumar (Director), age- 53 years, S/o Late
Parmanand Tiwari, Vill and Post- Minapur Rai, P.S.- Hajipur, Dist- Vaishali,
Pin- 844103.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, New Secretariat, Vikas Bhawan, Bailey Road, Patna-1.
2. The Engineer in Chief, P.H.E.D., Bishweshraiya Bhavan, Bailey Road, Patna- 1.
3. The Chief Engineer, P.H.E.D., Muzaffarpur.
4. The Superintendent Engineer, P.H. Circle, Chhapra.
5. The Executive Engineer, P.H. Division- Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate Mr. Vikash Kumar Jha, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Vishwambhar Prasad, AC to AAG-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-07-2022

Heard learned counsel for the parties.

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

I. For issuance of a writ in the nature of mandamus commanding the respondents for directing the respondents to approve the time extension and pay the deducted amount Rs.4,10,286.00, S.D Rs. 6,78,992.00, Price Escalation Rs. 2,92,800.00 and delayed period of payment Rs. 2,52,644.00 with interest @ 9 % against delayed period, Total due amount Rs16,34,722/- with interest @ 9% P.a since 08.06.2016 to date of payment because the work was completed on 08.06.2016 most earlier and respondents be directed to pay all dues with interest within 20 days and issue work completion certificate in favor of the



petitioner for which the petitioner is entitled to get the payment of Rs.16,34,722/- with interest @ 9% P.a for delayed period. The respondents are sitting tight over the request letters for the approval of time extension and due to this S.D/EMD/Price Escalation/interest against delayed payment of work done bill etc are not paid to the petitioner company which is not good.

- ii. For directing the respondents to take cognizance seriously for the sanction of time extension for which petitioner is not guilty but respondents are also faulty because 95% work was completed by the petitioner within time but due to shifting of transformer and connection of cable between high way , the Chhapia Water supply could not started for which respondents are only faulty and petitioner has been suffering for money. The payment of such huge amount is delayed, which has caused delay in execution of the other works, for which the petitioner cannot be penalised.
- iii. For granting any other relief/reliefs for which the petitioner may be found entitled in the eye of law.

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.

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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	01.08.2022
Transmission Date	

