

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7344 of 2022

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M/s Manglam Agrocon (India) Pvt. Ltd. Janki Nagar, Hanuman Nagar, Patna
Representated 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 Secreary, Rural Work Department, Bihar, Bishweshraiya Bhavan, Baily Road, Patna-1.
2. The Engineer IN Chief, Rural Work Department, Bihar, Bishweshraiya Bhavan, Baily Road, Patna-1
3. The Chief Engineer, RWD, Bihar, Bishweshraiya Bhavan, Baily Road, Patna-1
4. The Superintendent Engineer, RWD, Work Circle, Saran.
5. The Executive Engineer, RWD, Work Division-Chhapra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha, Advocate
For the Respondent/s : Mr.Ajay (GA5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-06-2022 Petitioner has prayed for the following relief(s):

“i. For issuance of a writ in the nature of mandamus commanding the respondents to pay the final bill of Rs.1,98,000/-, S.D Rs.1,22,500/- and EMD Rs.45,700/- Total dues Rs.3,66,200/- with interest @ 9% Pa. despite work was completed 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.3,66,200/- with interest @ 9% Pa. for delayed period by which he has already completed the work within time on 16.08.2011.

ii. For directing the respondents to pay the amount due within twenty days because petitioner has been living under pressure for paying the loan.

iii. For directing the respondents to take cognizance seriously for the payments of S.D/EMD and final bill must be paid to the petitioner within 20 days for which petitioner is entitled under the agreement which is likely to be paid under the respondents for delay of the other contractual works, till the entire dues with interest is not paid, as due to their deliberate latches, 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.

iv. For granting any other relief/reliefs for which the petitioner may be found entitled in the eye of law.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate



forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

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

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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