

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9198 of 2022

Kashish Developers Limited Registered office at- 87 Old AG Colony, Kadru, Ranchi, Jharkhand- 834002, Local address at- 201, Kamla Sadan Apartment, Punai Chak, District- Patna, through its Director Mukesh Kumar, aged about 47 years, Gender- Male, Son of Sri Mukut Prasad Rao, Resident of 171, Mushahari, Bijbaniya, P.S.- Lauriya West Champaran, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Cum Commissioner, Building Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief Cum Additional Commissioner Cum Special Secretary Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (South) Building Construction Department, Government of Bihar, Patna.
4. The Executive Engineer Building Division Gaya, Building Construction Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Kumar, Advocate Mr. Ranjeet Kumar, Advocate Mr. Ayush Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha, SC-26

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 29-07-2022

Heard learned counsel for the parties.

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



- i. For setting aside the Letter No. 623 dated 28-04-2022 issued by the Executive Engineer, Building Division, Gaya, Building Construction Department, Bihar, Patna whereby the respondent authority has requested the Chief Manager, Allahabad Bank, Circular Road, Ranchi to extend the validity of Bank Gurantee i.e. B.G. No. 0146618IPG000023 dated 13-04-2018 for Rs. 1,50,00,000/- which has been deposited by the petitioner with respect to work namely **“Construction of remaining work of construction of Administrative Training Institute and Bihar Rural Development Institute at Gaya including electrification”**.
- ii. For a further direction upon the respondent authorities to not to take any coercive action with against the petitioner as petitioner has already invoke arbitration clause and sent a notice in terms of Section 11 of the Arbitration and Conciliation Act, 1996 on 25-05-2022 through registered post.
- iii. For any other relief/reliefs for which the petitioner may be deemed entitled too.

After the matter was heard for some, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to



initiate action invoking the arbitration clause as also initiate appropriate proceedings under the provisions of the Arbitration and Conciliation Act, 1996.

Permission granted.

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	03.08.2022
Transmission Date	

