

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11139 of 2019

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M/s Shivam Construction a Partnership Firm having its Office Vaishali Press Gali, Ward No. 24, P.S.Jhumri Telaiya, District-Kodarma, Jharkhand, through its Partner Shankar Yadav aged about 51 years Male, son of Magan Yadav, R/o Vaishali Press Gali, Ward No. 23, Jhumri Tilaiya, P.S. Jhumri Tilaiya, District-Kodarma Jharkhand

... .. Petitioner/s

Versus

1. The East Central Railway through the Chief Administrative Officer (Construction), East Central Railway, Mahendru Ghat, Patna
2. The Financial Advisor and Chief Accounts Officer (Construction) East Central Railway, Mahendru Ghat, Patna
3. The Chief Engineer (Construction) (South) East Central Railway having its office situated Mahendru Ghat, Patna
4. The Dy. Chief Engineer (Construction) East Central Railway, Rajgir, Dist-Biharsharif
5. The Dy. Chief Engineer (Construction) East Central Railway, Mughalsarai
6. The Sr. Executive Engineer (Construction) /RGD East Central Railway, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Agrawal, Advocate
For the Respondent/s : Mr.Ramadhar Shekhar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 22-12-2022 The petitioner has prayed for the following relief/s :-

- i] For quashing the letter bearing No. XEN/C/Gaya/Sivam Const. Dt. 28.02.2019 by which the Contract Agreement No. DCE/G/MGS/MPO Fly over /Agt/430 dt. 28.11.2016 has been rescinded/terminated illegally, arbitrarily and



for extraneous consideration in spite of the fact that the contract was completed within the date of completion of the contract, i.e. 31.3.2019;

- ii] For restraining the Respondents to invoke the Performance Bank Guarantee bearing Bond No. 4894 IPEBG 160001 dt. 21.10.2016 for Rs. 19,40,000/- (Rupees Nineteen Lakh Forty Thousand only) during the pendency of the present writ petition ;

- iii] For directing the Respondents to pay the Running/final bill amount which has been withheld by the Respondent or any other amount which is due to the Petitioner and/or for any other relief(s) for which the Petitioner may be found entitled to in the facts and circumstances of the present case.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such remedies, as are otherwise available, in accordance with law.

Prayer allowed.

Learned counsel for the State states that if any such action is initiated by the petitioner within a period of four weeks from today, the issue of limitation shall not be allowed to come in the way.



Statement accepted and taken on record.

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

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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