

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9793 of 2022

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Mukund Kumar Son of Late Baban Bihari Prasad, resident of Village - Ward
No. 3, Bisrahiya, Dhaka, P.S.- Dhaka, East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Local Area Engineering Organization, Patna.
2. The Secretary, Local Area Engineering Organization, Patna.
3. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Local Area Engineering Organization, Work Division, Tirhut Division, Muzaffarpur.
5. The Executive Engineer, Local Area Engineering Organization, Work Division - 02 Pakridayal, East Champaran.
6. The Assistant Engineer, Local Area Engineering Organization, Work Division - 02 Pakridayal, East Champaran.
7. The Junior Engineer, Local Area Engineering Organization, Work Division - 02 Pakridayal, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr.Smt. Archana Meenakshee (GP-6)

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

Date : 04-08-2022

Heard learned counsel for the parties.

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

- i To return an amount of Rs. 3,90,120/- (10 % of gross bill value of the tender of i.e. Rs. 3901591), to the petitioner, which has been erroneously or arbitrarily adjusted from the payment for agreement no. 549/2 2020-2021.
- ii To refund security deposit of Rs. 1,95,060/- (i.e. 5% of gross bill value of the tender of Rs. 3901591), deducted at the time of payment made by respondents for the work.
- iii To pay an interest @ 18 % Per Annum on the above mentioned amount.
- iv Any other relief or reliefs.

In view of the fact that Bihar Public Works Dispute Arbitration Tribunal is now functional, 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, preferably within a period of six months from the date of institution.

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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	