

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10026 of 2022

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M/S Maa Bindhyavasini Construction through Santosh Kumar (M) aged about 45 years, son of Late Srikant Choudhary, resident of Patel Chowk, Gachhi Tola, Station Road, Ballia, P.O. Lakhminiya P.S. Ballia, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Chief Engineer (Civil), PHED, Patna.
4. The Superintending Engineer, Public Health Engineering Department Darbhanga Circle, Darbhanga.
5. The Executive Engineer, Public Health Division, Benipur District Darbhanga.
6. The Assistant Engineer, Public Health Sub-Division, Biraul, Darbhanga.
7. The Junior Engineer, Public Health Section, Biraul, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate Mr. Prashant Kumar, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5

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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):-

1. That this is an application for issuance of an appropriate writ(s), order(s) or direction(s) for quashing the order dated 14.05.2022 issued vide Memo no. 327



by the Respondent no.4 by which the Respondent no.4 has rejected the claim of the petitioner for payment of Rs. 15,36,666/- in complete violation of the terms of the agreement No. SBD-04/2018-19 dated 10.12.2018 in arbitrary and whimsical manner and further direct the respondents to make the payments of the aforesaid amount with the interest @ 10% per annum as well as to compensate the petitioner the amount of loss sustained by him due to their decision of non-plantation of Arsenic Treatment plant in rest 5 wards out of 6 wards.

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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.08.2022
Transmission Date	

