

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10025 of 2022

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 Regional Chief Engineer, PHED, Muzaffarpur.
4. The Superintending Engineer, Public Health Engineering Department Darbhanga Circle, Darbhanga.
5. The Executive Engineer, Public Health Division, Darbhanga.
6. The Assistant Engineer, Public Health Sub- Division, Benipur, District- Darbhanga.

... .. Respondent/s

Appearance :

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

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 part of the order of Respondent no.4 issued vide Memo no. 326 dated 14.05.2022 by which the



Respondent no.4 rejected the claim of the petitioner for making the payments of amount in terms of contract-profit Rs. 60 Lacs and also to quash the order of Respondent no.5 issued vide office order No. 15 dated 21.01.2022 by which the petitioner has been debarred in future BID of the respondents since without rescinding the agreement in SBD No.02/2018-19 got the work done in 9 wards out of 11 wards by another agency and further direct the respondents to extend the time with deviation/variation for the rest of the work in one(1) ward as well as direct them to make the aforesaid amount with interest @ 10% per annum.

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	

