

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12060 of 2022

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Jaybee Laminations (P) Ltd. represented by its Associate Manager, Sumesh Kumar Kashyap having its registered office at 26/36 Base, East Patel Nagar, New Delhi- 110008.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Power at New Delhi.
2. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar at Patna.
3. Power Grid Corporation of India Ltd., having its registered office at B-9, Qutub Institutional Area, Katwaria Sarai, New Delhi- 110016.
4. Bihar State Power Holding Co. Ltd., having its registered office at Vidyut Bhawan, Bailey Road, Patna- 800001.
5. Bihar Grid Co. Ltd., having its registered office at 2nd Floor, Alankar Place, Boring Road, Patna- 800001.
6. EMCO Ltd., having its registered office at N- 104, MIDC Area, Jalgaon- 425003, Maharashtra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amitabh Sohan, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG
		Mr. Subhash Prasad Singh, GA3
		Mr. Sriram Krishna, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

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 : 26-08-2022

Petitioner has prayed for the following relief(s):

“i. For issuance of an appropriate



writ/direction/ order in the nature of *mandamus* directing the Respondents to pay outstanding amount of Rs.82,97,837/- (Rupees Eighty Two Lakhs, Ninety Seven Thousand Eight Hundred and Thirty Seven only) along with interest @ 24% p.a. to the Petitioner company in accordance with the promise made by Respondent No. 5 vide comfort Letter No. JV/PT/BG/PESM/EMCO/TR-01&02/ Comfort Letter/510 dated 09.08.2018 issued by it in favour of the Petitioner company wherein Respondent no. 5 in the capacity of principal employer promised the Petitioner company to make direct payment for two orders for supply of CRGO in case of default made by Respondent No. 6 Company.

ii. For issuance of any other writ/order/direction which the Hon'ble Court may deem fit in the facts and circumstances.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.



The petition is disposed of as withdrawn with the liberty aforesaid.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

