

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12279 of 2022

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Sarvesh Kumar, S/o Sri Suresh Prasad, Proprietor of N.S. Electrical,
Makhanpur Idgah Road, Gulzarbagh, Police Station- Alamganj, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Electricity Department, Bihar, Patna.
2. The Bihar State Pool Nirman Nigam Limited, Sardar Patel Marg, Patna- 800015.
3. The Senior Project Engineer Work Commissioner Pool Nirman Limited, Sardar Patel Marg, Patna- 800015.
4. The Executive Engineer Electricity, Division Kankarbagh-1, Patna.
5. The Assistant Electric Engineer, Electric Supply Sub-Division, Karbigahia, Patna.
6. The Assistant Electric Engineer, Electric Supply Sub-Division, Bahadurpur, Kankarbagh- 1, Patna.
7. The Junior Electrical (ESS) Engineer, Bahadurpur, Patna.
8. The Junior Electric Engineer, (ESS) Karbigahia (West), Patna.
9. The President-cum-Managing Director Bihar State Power Holding Company Limited, Bihar, Patna.
10. The Rachana Construction Company Near St. Karens School, Khagaul Road, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Krishna Jha, Advocate Mr. Arvind Kumar Mouar, Advocate
For the Respondent/s	:	Mr.Yogendra Pd. Sinha, AAG 7 Mr. Vinay Kirti Singh, Sr. 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):-

1. That this application is being filed for issuance of an appropriate writ/writ, direction/directions, order/orders to commanding the respondents to pass an order to payment of the dues amount of Rs. 9793905 with Bank interest to the petitioner which is pending since 28.11.2020 without any fault of the petitioner because an agreement was made between petitioner and the Rachana Construction Company and petitioner firm N.S. Electricals for executing work for shifting of 33 K.V. Bahadurpur feeder and 33 KV Pahar-2 Feeder, 11 KV Bus Stand NIFT Feeder, 11 KV Bus Stand and 11 KV R. Path from GSS main gate to Jakkanpur Thana under ESD Kankarbagh-1 Electric Supply PESU (E), Patna under deposit head and as per terms and conditions and under the supervision of Bihar State Electricity Board, the proper work were completed and



accordingly the Sub-divisional Electric Engineer, Karbigahia, Patna and the Sub-divisional Eclectic Engineer, Kankarbagh-1, Patna were inspected both the site and after inspection it was found that as per the estimate the work was properly done

and payment would be made and accordingly NOC were issued by the both Sub-divisional Engineers to payment of the completed work but after someday after issuing the NOC both the Engineers (Asstt. Engineers) again issued letter that due to some mistake wrong NOC were issued because they demanding illegal gratification but the petitioner and the Rachana Construction were not ready to pay the illegal gratification for proper work and the petitioner submitted a representation but there is no result up till now hence, this writ petition.

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the



present petition reserving liberty to take recourse to such remedies as are otherwise stipulated in the agreement and are available in accordance with law.

We notice that petitioner has raised dispute with regard to non-payment of amount arising out of works contract, which stipulates mechanism of resolution of disputes through the process of conciliation and arbitration.

As such, we dispose of the present petition reserving liberty to take recourse to such remedies as are available in accordance with law.

We are sure that as and when any such proceedings is initiated, the same shall be adjudicated expeditiously in accordance with law.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present application is disposed of as withdrawn with the liberty aforesaid.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.



Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

