

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14009 of 2019

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M/s Sincon Infrastructure Pvt. Ltd. A Company incorporated under the Indian Companies Act, 1956 having its Registered office at UF-1 and 2, Majestic Plaza, West Boring Road, Patna-1, through its Director Tarun Kumar, aged about 36 years (Male), Son of Sri Kartik Kumar, resident of House No. 153A, Road No.8, Patliputra Colony, Patna- 13.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary Water Resources Department, Government of Bihar, Patna.
3. The Engineer -in- Chief Water Resources Department, Flood Control and Water Drainage, Government of Bihar, Patna.
4. The Chief Engineer Water Resources Department, Flood Control and Water Drainage Zone, Gopalganj.
5. The Superintending Engineer Water Resources Department, Flood Control and Water Drainage Circle, Gopalganj.
6. The Executive Engineer Water Resources Department, Flood Control and Water Drainage Division, Chhapra.
7. The Accountant General (Audit) Bihar, Patna.
8. The Deputy Accountant General Economic Wing, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Advocate Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4 Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 05-12-2022 Petitioner has prayed for the following relief(s):-



- i) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of Certiorari for quashing the order passed by the respondent Executive Engineer vide letter no.166 dated 22.02.2019 (as contained in Annexure-5) whereby and whereunder the petitioner has been communicated that in terms of the audit objection, the action of recovery of Rs. 128.69143 lacs is being taken by him from the bills and security amount of the petitioner relating to the work of *"Raising and Strengthening of Suran Embankment and Construction of Bituminous Road on its top in a length of 36.05 KM between 35.20 to 80.00 KM"* and thereby the respondents have already made recovery of the same amount from the pending bills and security deposit amount of the petitioner, although the petitioner has raised objection with regard to the said recovery.
- ii) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of Mandamus directing the respondents not to make recovery of such huge amount from the pending bills of the petitioner as the petitioner has used the 'Bulk Bitumen' with the permission of the Engineer-in-Charge, who is supervising the work executed by the petitioner and even if there is some difference in the rate of bitumen, which is a very meager amount of rupees 12 to 13 lacs and not rupees 128-129 lacs as stated in the impugned order, only that much amount has to be recovered by the petitioner.
- iii) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the



Bar, 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.

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)

(Partha Sarthy, J)

P.K.P./Amrendra

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