

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14126 of 2019

=====

M/s Narsingh Construction a Partnership firm having its office at Gangjala, Ward No. 16, Saharsa, through one of its partner, Shri Pratap Kumar Singh, aged about 45 years (Male), Son of Jai Mangal Prasad Singh, resident of Mohalla- Shastrinagar, Sipahi Tola, P.S. and District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Saharsa.
6. The Executive Engineer, Rural Works Department, Works Division, Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Raj Kishore Prasad, Advocate
For the Respondent/s	:	Mr.Kameshwar Pd. Gupta (GP10)
		Mr. Satya Vrat, AC to GP-10

=====

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-12-2022 The petitioner has prayed for the following relief/s

:-

“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 his letter no. 1144 dated 13.06.2019 (as contained in Annexure-16), whereby and where under the work allotted to



the petitioner vide Agreement No.04/SBD/PMGSY of 2016-17 dated 23.01.2017 for "Construction of Road from Devka to Baruahhi under Navhatta Block, District-Saharsa under Pradhanmantri Gram Sarak Yojna (2014-15), BID ID 137988, Tender ID 40007", has been rescinded in purported exercise of his power under Clause 52 of the General Conditions of Contract of Standard Bidding Document (in short SBD) for PMGSY.

ii) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of Certiorari for quashing the letter no. 1263 dated 04.07.2019 issued by the respondent Executive Engineer to the Branch Manager, State Bank of India, Maranga Branch, Purnea (as contained in Annexure-17) for encashment of the Bank Guarantee No. 36/2015-16 for Rs. 39,15,000/- in favour of the respondent Executive Engineer, as the agreement with the petitioner has been rescinded and the security amount has been forfeited.

iii) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of Mandamus directing the respondent authorities to close the agreement and refund the earnest money, security deposit and performance security etc. of the petitioner after making final payment of the work done by the petitioner, as the work could not be completed because the respondent authorities have failed to provide revised estimate for the work in question in terms of the Joint Inspection Report dated 15.04.2019, because the work executed by the petitioner in terms of the agreement was badly



damaged due to heavy flood the area i.e. Koshi Basin and now it is not possible to execute the work in question at the old rate in terms of the agreement.

iv) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition as it has become infructuous.

Permission granted.

Present petition stands disposed of as withdrawn having become infructuous.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/DKS

U			
---	--	--	--

