

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14903 of 2019

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M/s Satav Shankar Engineers (JV) a Joint Venture Firm havint its Office at H Q -5, Madhusudan Kunj, Basant Bihar Colony, Off Boring Road, Patna - 800001, through its Director and Authorized Signatory, Ram Krishna Kumar, Son of Madhusudan Prasad Bhagat, Resident of 5, Madhusudan Kunj, Basant Bihar Colony, Boring Road, Patna- 800 001, P.S. S.K Puri Town and District- Patna.

... .. Petitioner/s

Versus

1. The East Central Railway through the Chief Administrative Officer(Construction), East Central Railway, Mahendru Ghat, Patna.
2. The General Manager, East Central Railway, having its Office at Hajipur, District- Vaishali.
3. The Financial Advisor and Chief Accounts Officer(Construction), East Central Railway, Mahendru Ghat, Patna.
4. The Chief Engineer, (Construction), (N.E.) East Central Railway having its Office Situated at Mahendru Ghat, Patna.
5. The Dy. Chief Engineer(Construction), East Central Railway, Hajipur, District- Vaishali.
6. The Exeuctve Engineer (Construction), East Central Railway, Hajipur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D.Sanjay, Sr. Advocate Ms. Parul Prasad, Advocate Mr. Alok Kumar Agrawal, Advocate
For the Respondent/s	:	Mr. Kumar Priya Ranjan, CGC Mr. Ankur Apurv Singh, Advocate Mr. Girish Nandan Abhishek, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-12-2022

Petitioner has prayed for the following relief(s):-

“i. For issuance of an appropriate order/ direction,
upon the Respondents to release the Security



Deposits deducted from the Running Bills of the Petitioner, which was balance 5% of the contract value to the tune of Rs.2,33,94,935/- which includes the E.M.D. amount consequent upon the foreclosure of the Contract by the Respondent Chief Administrative Officer (Construction) due to shortage of the fund and further consequent upon the Work Completion Certificate issued by the Respondent- Chief Engineer (Con) for the work done by the Petitioner and further on already release of the Performance Guarantee furnished by the Petitioner to the tune of Rs.2,35,00,000/-;

ii. For issuance of a direction upon the Respondents directing them to prepare the Running/Final Bills and PVC Bills of the Petitioner for the work executed by the Petitioner with further direction to pay the same;

iii. For appointment of a Sole Arbitrator with consent of the Respondents for adjudicating the issues involved in the present Writ Petition in the event, if the relief's sought for as above could not be granted by this Hon'ble Court and/or for any other relief(s) for which the Petitioner may be found entitled to in the facts and circumstances of the present case."

Shri S.D.Sanjay, learned senior counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such remedies as provided under the Arbitration and Conciliation Act.



Shri Sanjay states that the process would be initiated within a period of two weeks from today.

Shri Kumar Priya Ranjan, learned counsel for the respondents, states that steps in terms of Clause 63/64 of the GCC, shall be taken expeditiously and not later than the period prescribed therein or two months, which ever is later in point of time, in accordance with law.

Statement accepted and taken on record.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2022
Transmission Date	

