

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15335 of 2019

Flytimes Tour and Travels Private Limited through its Director Uttam Kumar Sah, aged about 40 Years (Male), S/o Baijnath Prasad Sah Having its Registered Office at H/o Sudarshan Singh, S/o Sri Ram Avtar, Raja Bazar, P.O. B.V. College, P.S. Shastri Nagar, Bailey Road, Patna-800014

... .. Petitioner/s

Versus

1. The Union of India through its General Manager, Eastern Railway, Kolkata
2. The Financial Advisor and Chief Accounts Officer, Eastern Railway, Kolkata
3. The Division Railway Manager, Eastern Railway, Malda Division, Malda
4. The Senior Divisional Commercial Manager, Eastern Railway, Malda Division, Malda
5. The Divisional Commercial Manager-II, Eastern Railway, Malda, Division, Malda
6. The Divisional Finance Manager, Eastern Railway, Malda Division, Malda

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Nadim Seraj, Advocate Mr. Shailesh Kumar, Advocate
For the Respondent/s	:	Mr. Ramadhar Shekhar (Addl. Standing Counsel) Mr. Raj Kamal, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-12-2022 Petitioner has prayed for the following relief(s):-

“(i) For issuance of Writ of Certiorari for quashing the Letter issued under the signature of the Respondent no. 5 vide letter no. Com/Parking Stand/M/BGP-2/2019 dated 10.07.2019 (hereinafter referred to as the "Impugned Letter") whereby the Respondent no. 5 has terminated the Contract of the Petitioner and forfeited the Earnest Money Deposit by the Petitioner.



(ii) For issuance of Writ of Certiorari for quashing the Corrigendum dated 11.12.2018 issued under the signature of the Respondent no. 4 wherein the amount of Security Deposit has been unilaterally enhanced to an amount equivalent to six months license fees against the earlier 5% of the Contract value, without extending the time period for depositing the Security Deposit and without publishing the Corrigendum in widely circulated newspaper.

(iii) For issuance of Writ of Mandamus, directing the Respondent no. 4 to award the Contract to the Petitioner as the petitioner has fulfilled all the conditions of the Notice Inviting Tender (NIT) including payment of Earnest Money Deposit, Quarterly Licence Fees and the Security Deposit.

(iv) Any other relief(s) as your deems fit and proper in the facts and circumstances of the case.”

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 other remedies as are otherwise permissible and admissible in accordance with law as also represent to the Respondent no.5, namely, The Divisional Commercial Manager-II, Eastern Railway, Malda Division, Malda, venting out the grievances, subject-matter of the present petition.

Prayer is allowed reserving liberty aforesaid.



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

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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