

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18932 of 2021

M/s SS (JV) a joint venture having its registered office at 34/A, Metacalfe Street fourth floor, suit number 4F/1, Kolkata - 700013 through its authorised representative namely Amulya Kumar Das, Son of Anirudh Chandra Das, aged about 50 years, Resident of D/1, Sai Phoneix, Sri Sai City, Sai Baba Mandir, New Pundag, Ranchi - 834004, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development And Housing Bihar cum Chairman, Bhagalpur Smart City Ltd. Having its registered office at Municipal Corporation Court Compound, Bhagalpur, Bihar - 812001.
2. The Principal Secretary, Department of Urban Development And Housing Bihar cum Chairman, Bhagalpur Smart City Ltd. Having its registered office at Municipal Corporation Court Compound, Bhagalpur, Bihar- 812001.
3. The Bhagalpur Smart City Ltd. a registered company having its registered office Municipal Corporation Court Compound, Bhagalpur, Bihar - 812001 through its managing director.
4. The Chief Executive Officer The Bhagalpur Smart City Ltd, a registered company having its registered office Municipal Corporation Court compound, Bhagalpur, Bihar - 812001.
5. The Chief Finance Officer, The Bhagalpur Smart City Ltd, a registered company having its registered office Municipal Corporation Court Compound, Bhagalpur, Bihar - 812001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
Mr. Alok Kumar Jha, Advocate
For the Respondent/s : Mr. Abbas Haider, SC-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(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.)

4 18-11-2022

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



- a) For issuance of a writ or order or direction restraining the respondent Bhagalpur Smart city Ltd (hereinafter referred to as the BSCL for short) and its authorities from further proceeding with the process of tender in furtherance to the tender notice no. BSCL/Smart Road/2021/61 dt. 03.06.2021, notice issued vide reference number F/432/BSCL/722 dated 28.08.2021, notice issued vide reference number F/432/BSCL/762 dated 09.09.2021 and notice issued vide reference number F/432/BSCL/787 dated 16.09.2021 issued in connection with the same work with respect to which the respondents had executed an agreement number 04 of 2020 on 19.09.2020 which is the subject matter of Miscellaneous Case Number 40 of 2020 pending in the court of learned District Judge Bhagalpur;
- b) For further restraining the respondent BSCL and its authorities from issuance of any letter of acceptance if not issued as yet and withdraw the same if issued and also restraining from executing any agreement and issuance of work order in favour of any successful applicant in response to tender notices as aforesaid till final adjudication of the Miscellaneous Case Number 42 of 2020;
- c) For holding and a declaration that the very purpose of the application under section 9 of the arbitration and conciliation act 1996 filed by the petitioner and the court of learned District Judge Bhagalpur would stand defeated in case the respondent BSCL and its authorities are allowed to proceed with the process of tender during the pendency of the said application;
- d) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

Learned counsel for the petitioner seeks permission to



withdraw the present petition.

Permission granted.

The instant petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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