

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14582 of 2017**

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M/s Conarch Associated S/o Jagdish Singh R/o Radhakunj Colony, Sara Road, Govindpuri, Modinagar, Ghaziabad U.P.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Engineer in Chief, Sichai Srijan, Department of Water Resources, Patna, Bihar.
3. The Chief Engineer, Sichai Srijan, Water Resources Department, Nalanda at Biharsarif
4. The Superintending Engineer, Water Ways Circle, Ghosi, Jahanabad
5. The Executive Engineer, Water Ways Division Irrigation Division Uderasthan, Jehanabad
6. The Asst. Engineer, Waterways Sub-Division, Jehanabad
7. The Junior Engineer, Waterways Sub-Division, Jehanabad

... .. Respondent/s

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**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr.Ajay Kumar Sharma, Advocate |
|                      |   | Mr.Raju Giri, Advocate         |
| For the Respondent/s | : | Mr.Anjani Kumar - Aag-4        |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

2      21-04-2023                      In the instant petition, petitioner has prayed for the following relief(s):-

*“{i} For quashing the letter no. 600/ Uderasthan dated 03.08.2017 inviting Tender vide Tender invitation Notice No. 01-SBD/2017-18 { Annexure - 5 } by the Executive Engineer, Irrigation Division, Uderasthan, Jehanabad, for Renovation of structure and modernization & lining of Mahmuda Branch Canal from 0.00 K.M. to*



*19.05 K.M. for an estimated cost of Rupees 2564.00 Lakhs {Twenty Five crore Sixty four Lakhs} along with the outcome of the tender process which has been made without giving the petitioner firm an opportunity of hearing or intimating the termination of earlier agreement dated 06.08.2013 entered and executed between the petitioner firm and the Respondent No. 5 {Executive Engineer, Water way division Uderasthan} vide agreement no. 4/S.B.D./2012/2013 for Renovation of structure and modernization & lining of Mahmuda Branch Canal from 0.00 K.M. to 19.05 K.M. for an estimated cost of Rupees 18,22,57,185 { Eighteen Crores twenty two lakhs fifty Seven Thousands, one Hundred and fifty seven only}.*

*{ii} For a further direction to the Respondents Authorities to treat the Agreement No. 4/S.B.D./2012/2013 { Annexure-1} executed between the petitioner firm and the Respondent No. 5 { Executive Engineer, Irrigation Division, Jehanabad} for Renovation of structure and modernization & lining of Mahmuda Branch Canal from 0.00 K.M. to 19.05 K.M. to be valid and operative for all purposes, which has not yet been cancelled in the knowledge of the petitioner firm.*

*{iii} For further a direction to the Respondent Authorities to allow the petitioner to complete the work {subject matter of Agreement No. 4/S.B.D./2012/2013} by appropriately extending the period of completion of the work under Supplementary agreement dated*



*07.12.2015, as the petitioner is still engaged in executing the work under contract and he is ready to complete the work provided the Respondent authorities give full co-operation including financial support in accordance with the provisions of agreement and further not to involve any other firm to intervene in the work of the petitioner.*

*{iv} For any other relief/reliefs may be granted in favour of the petitioner for which he is found entitled in facts and circumstances of the case.”*

2. During pendency of the present petition, the petitioner is stated to have invoked remedy before the arbitrator. In view of these facts and circumstances, the present petition does not survive for consideration.

3. Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to agitate grievance before the arbitrator.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

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