

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2975 of 2023

=====

M/s Yusuf Traders Bhagalpur a Proprietorship firm through its Proprietor, Md. Farhan Ali, Male, aged about 25 years, Son of Md. Ayub Ali, Resident of Village - Madhurapur, Narayanpur, Police Station - Bihpur Bhawanipur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance (Development and Revenue), Government of India, New Delhi.
2. The East Central Railway, East Central Zone through the General Manager, Sonapur, District - Saran, at Chhapra.
3. The Division Rail Manager (Engineering), Sonapur, District - Saran, at Chhapra.
4. The Divisional Engineer- II/SSE, Sonapur, The East Central Railway, East Central Zone District - Saran at Chhapra.
5. The Assistant Divisional Engineer, The East Central Railway, East Central Zone, Bihpur, Sonapur, District - Saran at Chhapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Sujeet Kumar Sinha, C.G.C.

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 06-04-2023

The petitioner has prayed to direct the respondents to extend the period of settlement for Water Control and Fishing Rights in favour of the petitioner for a further period of three years from the date of settlement which is to expire on 31.03.2023. Learned counsel for the petitioner further submits that earlier the contract entered between the parties was actually executed with effect from May, 2020, and, therefore, the same should be treated as



extended up to the period of May, 2023 and a fresh N.I.T. ought not to have been issued for the subsequent period.

This Court finds that the tender was issued for a period of 36 months mentioning the date from 01.04.2020 to 31.03.2023. If the letter of acceptance has been issued mentioning the work to be completed up to 07.05.2023, it cannot restrain the respondents from issuing a fresh N.I.T. after March 2023. The petitioner can always participate in the fresh N.I.T. and, if he is able to obtain the highest bid, the respondent could act accordingly.

It is also to be noticed that when an N.I.T. is issued, the actual acceptance is always later in point of time. However, that does not create any right in favour of the contractor.

In view thereof, the writ petition is wholly misconceived as this Court would not extend the terms of contract in writ jurisdiction and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 17

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.04.2023
Transmission Date	NA

