

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3695 of 2023

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Satyendra Kumar Constructions Pvt. Ltd. Hira Enclave, New Dak Bungalow Road, Patna through its Director, Satyendra Kumar, aged about 61 Years, Male, Son of Sri Bhagwan Das, Bungalow Road, P.S. Kotwali, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Bihar, Patna.
3. The Engineer-In-Chief Building Construction Department, Bihar, Patna.
4. The Chief Engineer (South), Building Construction Department, Mechanical Division, Patna.
5. The Superintending Engineer, Building Circle, Gaya.
6. The Executive Engineer, Building Division, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Syed Iqbal Ahmad, SC 20

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-03-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following reliefs:

“(i) Revocation of the prohibition order contained
in Letter No. 1460 dated 17.09.2019 whereby, the Executive
Engineer (Respondent No. 6) on the basis of order dated



16.09.2019 passed in CWJC No. 12193 of 2017 has directed the petitioner to forthwith stop the work in connection with Agreement No. BCD Nawada/ 01 – SBD / 2018-19 dated 10.09.2018 relating to the construction of Warsaliganj Block cum Circle Office cum Residential Building in the District of Nawada;

(ii) Direction upon the Executive Engineer (Respondent No. 6) to issue Notice / order to proceed with the work in connection with Agreement No. BCD Nawada/01 – SBD / 2018 – 19 dated 10.09.2018; and

(iii) Further direction upon the respondent to take appropriate steps including grant of extension of time price escalation etc. in connection with Agreement No. BCD Nawada/ 01 – SBD/ 2018-19 dated 10.09.2018 for the reason that the work remained suspended for about 4 years and could not be completed on account of the circumstances solely attributable to the Respondent.”

3. Grievance of the petitioner is still subsisting before the Learned Single Judge insofar as recalling/reviewing the order dated 16.09.2019 passed in CWJC No. 12193 of 2017. It is submitted that *Bipin Kumar* who was petitioner in CWJC No. 12193 of 2017 has given up his claim as it is noticed in LPA No. 1512 of 2019 submitted on behalf of the State - appellant. In the light of these facts and circumstances, the present petition stands



disposed of reserving liberty to the petitioner to raise all these contentions before the Learned Single Judge in civil review petition arising out of CWJC No. 12193 of 2017, since, he was not arrayed as party to CWJC No. 12193 of 2017.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	24.03.2023
Transmission Date	

