

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6556 of 2022

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M/s. Brijnandan Singh through its Partner Brijnandan Singh, aged about 62 years, Male, son of Late Mangru Singh, Resident of Village Lahthan, P.S. Agiaon Bazar, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Gopalganj.
4. The Superintending Engineer, Flood Control Circle, Gopalganj.
5. The Executive Engineer, Flood Control and Drainage Division, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11 Mr. Sriram Krishna, AC to SC-11

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

Date : 06-07-2023

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

*“(i)For quashing of the decision dated
18.02.2022 communicated vide Letter No. 226 by
which, the Respondents have refused to refund the
amount of Security Deposit in terms of Clause 41 of
the Standard Bidding Document solely for the
reason that the proposal for extension of time and*



deviation is pending approval in the Department;

(ii) For direction upon the Respondents to approve / grant the extension of time and deviation for the works executed by the petitioner in connection with Agreement No. 01SBD/ 2016 - 17; and

(iii) For direction upon the respondents to return the amount of liquidated damages recovered from the Running Account Bills of the petitioner in anticipation of the grant of extension of time.”

2. Perusal of the impugned communication letter bearing no. 226 dated 18.02.2022 is bereft of reasons, that apart there is no application of mind in rejecting the petitioner's grievance. Therefore, the concerned respondent is hereby directed to pass a detailed speaking order and communicate the same to the petitioner within a period of two months from the date of receipt of this order. The concerned respondent is hereby directed communicate the decision to the petitioner at the earliest.

3. With the above observations, the instant writ petition stands disposed of.

4. At this stage, learned counsel for the petitioner submitted that during pendency of the present petition, authorities have taken a decision in rejecting his representation on 29.07.2022. The same has been placed on



record by means of an Interlocutory Application, bearing I.A. No. 01 of 2023 to amend the writ petition. The same is not entertainable by means of amendment.

5. Therefore the petitioner is at liberty to assail the communication dated 29.07.2022 independently.

6. Accordingly, I.A. No. 01 of 2023 stands rejected.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.07.2023
Transmission Date	

