

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17750 of 2022

=====

M/s. Sarkar Gurumurthy and Associates (Chartered Accountants) A partnership firm, having its registered office at 35 C.R. Avenue, 3 Floor, Kolkata- 700012, West Bengal, through Managing Partner, Sri Pariwal Sarkar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing Department, Govt. of Bihar, Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Urban Development and Housing Department, Govt. of Bihar, Vikas Bhawan, Patna.
3. Additional Secretary, Department of Urban Development and Housing Department, Govt. of Bihar, Vikas Bhawan, Patna.
4. Additional Director cum Nodal Officer, State Level Project Monitoring Unit, Govt. of Bihar, Patna, Department of Urban Development and Housing Department, Govt. of Bihar, Vikash Bhawan.
5. M/s PSP Fiutech Consultants Pvt. Ltd., Corporate Offices, 64A, Hindustan Park, Kolkata-29, West Bengal.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Sangha Mitra Ghosh, Advocate
For the Respondent/s : Mr. Abbas Haider, SC-6

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2023

Petitioner has prayed for the following relief/s :-

“a. For issuance of a writ in the nature of certiorari for quashing the order dated 25.06.2022 as contained in letter no. 1554 whereby and whereunder the agreement executed between the petitioner (chartered accountant firm) and the respondent authority dated 15.10.2019 for preparation of



accounts on double entry accounting system in 32 Urban Local Bodies of Bihar listed under Group II and Group IV was cancelled And petitioner's firm was blacklisted for the next three years barring it from participating in any tender advertised by the respondent authority and also forfeited the Fixed Deposit No.- 1423654 dated:- Rs-3,75,000/- and Fixed Deposit No. 1423655 dated:-14.10.2019 Rs.5,00,000/- submitted towards Security Deposit against Agreement contract No.6325 both dated 15.10.2019.

- b. For issuance of writ mandamus commanding the respondent authority to release the Fixed Deposit.
- c. For issuance of writ mandamus commanding the respondent authority to grant petitioner sufficient time to execute the work order.
- d. For any other relief/reliefs which may be deemed fit and proper by this Hon'ble Court.”

We are of the considered view that petitioner ought to have placed materials in support of the averments made in the petition, for we find such averments not to be substantiated by any material placed thus far.

At this stage, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition with better and complete particulars, on the same and subsequent cause of action.



Permission granted with liberty as prayed for.

As and when any such petition is filed, the same shall be processed and listed on priority basis.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2023
Transmission Date	

