

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17746 of 2022

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MDS Infra Nirman Pvt. Ltd. through its Director Mahesh Dev, (male) aged about- 43 years, Son of Dr. Krishna Chandra Sah, Resident of Near Rajdhani Apartment, Road No. 01, Mahesh Nagar, Phulwari Keshri Nagar, Phulwari, Patna, District- Patna, Pin No. 800024

... .. Petitioner/s

Versus

1. The Managing Director, Bihar Medical Services and Infrastructure Corporation Limited (A Govt. of Bihar undertaking), 4th Floor, Bihar, Patna Building Construction Corporation Ltd., Hospital Road, Shashtrinagar, Patna.
2. The General Manager (Project), Bihar Medical Services and Infrastructure Corporation Limited, 4th Floor, Bihar, Patna Building Construction Corporation Ltd., Hospital Road, Shashtrinagar, Patna.
3. The Deputy General Manager (Project), Bihar Medical Services and Infrastructure Corporation Limited, 4th Floor, Bihar, Patna Building Construction Corporation Ltd., Hospital Road, Shashtrinagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 02-02-2023

Petitioner has prayed for the following relief(s):-

“ 1. That the present writ application is being filed seeking direction upon the respondents to refund of the amount deducted under time extension pursuant to the work completed by the petitioner under agreement No. APHC/SBD/70/2017-18 for the construction work of Namely APCH Bhaur, Block- Pandaul, District- Madhubani which has already been completed but 10% amount from the running bill of the petitioner has been deducted on account



of time extension without considering the fact that during the said period there was extreme crisis of sand as well as water lodging over the site and for grant for any other relief/reliefs to which the petitioner is found entitled to in the facts circumstances of the case.”

On 31.01.2023 we had passed the following order:-

“ Despite repeated calls, none has entered appearance on behalf of the petitioner.

However, in the interest of justice, matter is adjourned.

List this case on 2nd of February, 2023, in the category of ‘Order Matters’.”

Even today, despite repeated calls, none has entered appearance on behalf of the petitioner.

As such, instant petition stands dismissed for non-prosecution.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Rajiv/Sujit

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