

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.371 of 2023

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D.B.S. Constructions Pvt. Ltd. having its Registered Office at Tar Banglow More, Dehri On Sone, P.S. Dehri, District Rohtas, Bihar through its Director, Sunil Kumar Singh, aged about 57 years, Male, Son of Sri Daroga Singh, resident of Mohalla Samdika Nagar, P.S. Dehri, District Rohtas, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Energy cum Chairman, Bihar State Hydroelectric Power Corporation, Government of Bihar.
2. Managing Director, Bihar State Hydroelectric Power Corporation, Government of Bihar.
3. The Chief Engineer, Bihar State Hydroelectric Power Corporation Ltd., Government of Bihar.
4. The Executive Engineer, Bihar State Hydroelectric Power Corporation Ltd., Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the respondent 2 to 4 : Mritunjay Kumar, Advocate
For the State : Mr. Shiv Kumar, A.C. to G.A-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 20-07-2023 In the instant petition, petitioner has prayed for the following reliefs:-

(i) Direction upon the respondents to close the Agreement No. 08/civil/2019-20 dated 14.10.2019 on the ground that the work has been rendered inexecutable due to change of site condition and for want of a decision on the issue of deviation, variation, revision of estimate and time extension:

(ii) Alternatively a direction upon the respondents to take a decision on



the pending representations dated 22.01.2021 (Annexure 10) and 09.06.2022 (Annexure 11) at an earliest after affording an opportunity to the petitioner; and

(iii) Restraining the Respondents from taking any coercive or penal action in connection with Agreement No. 08/civil/2019-20 dated 14.10.2019 save and except without the leave of this Hon'ble Court or during the pendency of the present writ application.

2. Petitioner is giving up the prayers except item No. 1(ii). The other side is not disputing to consider the petitioner's representation.

3. Accordingly, the present petition stands disposed off directing the third respondent-Chief-Engineer, Bihar State Hydroelectric Power Corporation Ltd., Government of Bihar to consider the petitioner's representation dated 22.01.2021 (Annexure-10) and 09.06.2022 (Annexure-11) in accordance with law and pass speaking order after due consideration of contents of representations. The above exercise shall be completed within a period of three months.

(P. B. Bajanthri, J)

Vikash/-

(Jitendra Kumar, J)

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