

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.680 of 2021

In
Civil Writ Jurisdiction Case No.14700 of 2019

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1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Additional Chief Secretary, Water Resources Department, Govt. of Bihar, Patna.
 3. The Engineer in Chief Food Control and Water Resources, Department, Patna.
 4. The Chief Engineer, Floor Control and Drainage, Water Resources Department, Patna.
 5. The Superintending Engineer, Kosi Barrage Birpur Circle, Birpur, Bihar.
 6. The Superintending Engineer, Eastern Kosi Embankment, Saharsa, Bihar.
 7. The Executive Engineer, Western Embankment Division, Birpur, Bihar.

... .. Appellant/s

Versus

BJCL Srinath (JV) having its Office at 103, Lane No. 2, Kehar Singh Estate, Saidulajab, New Delhi 110030 through its Authorized Signatory namely Nitish Agarwal @ Nitish Kumar Agarwal, aged about 42 years, (Male), son of Sri Tulsi Prasad Agarwal, resident of F-217, Antriksha Apartment, Sector 14 Extension, Rohini, PS Rohini, Dit. North West Delhi 110085 and local resident at Flat No. 304, 3rd Floor, Madhuban Apartment, L B S Shastri Nagar, PS Shashtri Nagar, Dist. Patna - 800023.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Kumar, AAG 4
		Mr. Deepak Sahay Jamuar, AC to AAG 4
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

4 21-02-2025

Re : I.A. No. 1 of 2021

The present appeal is filed in assailing the order dated 09.07.2021 passed in CWJC No. 14700 of 2019. There is delay of about 121 days.



2. For the reasons stated in the application read with affidavit, delay of about 121 days in filing of the LPA No. 680 of 2021 stands condoned. I.A. No. 1 of 2021 is allowed.

3. With the consent of learned counsel for the appellants, matter is taken up for final disposal.

4. Respondent has assailed the show cause notice and consequential order. Learned Single Judge passed the following order :

“12. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the impugned order dated 04.07.2019, as contained in letter dated 442, issued by the Executive Engineer, Western Embankment Division, Birpur, rescinding the agreement of the petitioner is set aside, however, liberty if reserved to the Executive Engineer, Western Embankment Division, Birpur, to proceed afresh in the matter, as aforesaid.

13. The writ petition stands allowed.”

5. In the year 2019 itself the appellants have undertaken process of fresh tender. This has not been brought to the notice of the learned Single Judge while deciding CWJC No. 14700 of 2019 dated 09.07.2021. Therefore, appellants had remedy of filing civil review, that apart in what manner the



appellants are aggrieved insofar as paragraph No. 22 is concerned, when a liberty has been reserved to the Executive Engineer, Western Embankment Division to proceed afresh in the matter as aforesaid. On this issue, the appellants have already undertaken fresh proceedings, therefore, the appellants have not made out a case.

6. Accordingly, present LPA No. 680 of 2021 stands dismissed.

7. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

GAURAV S./-

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