

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14113 of 2009

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Baba Construction Properitor Shri Shankar Jha S/O Sri Satyanarayan Jha
R/O Sipahitola, P.S- Khazarchi Hat, Distt- Purnea

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner Cum Secretary In The Road Construction Department, Technical Section, Vishewesharaiya Bhawan, Baily Road, Patna
3. The Engineer In Chief Road Construction Department Govt. Of Bihar, Vishewesharaiya Bhawan, Bailey Road, Patna
4. The Chief Engineer N.H. Vishewesharaiya Bhawan, Baily Road, Patna
5. The Superintending Engineer N.H. Division, Purnea
6. The Executive Engineer N.H. Division, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Randhir Singh
Mr. Nikunj Shekhar

For the Respondent/s : Mr. P.K. Vrema, AAG-XI

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 30-01-2015

Heard learned counsel for the parties as with regard to

the following relief prayed in this writ application:-

"The petitioner challenges and disputes the legality & validity of the order of the Respondent no. 5 contained in letter no. 610 dated 25.5.09 by which the petitioner has been debarred from participating in any tender for any work on the ground that pursuant to the letter no. 175 dt. 24.02.09 of the office of Executive Engineer he could not commence the work on N.H. 107 from K.M. 111 to 120 and also challenges the high handed and arbitrary action of the respondents is not considering the tender submitted by petitioner and other persons on connection with the work on N.H. 31, 373 Km. to 384 Km. i.e. being from N.H. 31 RIQP gerauvari chak, primary seal coat and

coering t he flank by soil for which the tender was initiated and petitioner responded to the same".

Having regard to the period of ban of allotment of fresh work to the petitioner to continue only till completion of allotted work this Court would not find any reason to interfere with the impugned order dated 25.5.2009 specially when it is not in doubt that at the time when the impugned order came to be passed, the petitioner had not completed the work given to it under the earlier work order of the contract in question.

This Court, however, has tried to ascertain from the learned counsel for the petitioner as to whether the work, in question, whose non-completion had led to ban order from getting work in future he has frankly conceded that he has got no instruction in the matter.

That being so, this application is disposed of with an observation that if the unfinished work for which the ban was imposed by the impugned order dated 25.5.2009 has already been completed by the petitioner, it may approach the competent authority for withdrawal of such ban order.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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