

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11474 of 2013

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M/S Baba Construction through its Proprietor Shankar Jha S/o Sri Satya Narayan Jha, resident of Sipahi Tola, Police Station- K. Hat, District- Purnia

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary to the Government, Rural Works Department, Government of Bihar, Patna
2. The Engineer in Chief, Rural Works Department, Bihar, Patna
3. The Chief Engineer-II, Rural Works Department, Bihar, Patna
4. The Superintending Engineer, Rural Works Department, Works Circle, Patna
5. The Executive Engineer, Works Division, Rural Works Division, Forbesganj, Araria
6. M/S Om Sai Engicom, Nariar Road, Naya Bazar, Police Station And District- Saharsa
7. M/S Vidhata Raj Construction (P) Ltd. through its Managing Director, Kishor Kumar Jha, resident of Ward No. 8, Gharbandha, Police Station- Raniganj, District- Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. Kripanath Jha, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG 9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-09-2015

Heard learned counsel for the petitioner and learned Counsel for the State.

2. This writ petition has been filed for a direction to the respondents to award the works contract to the petitioner being ranked L-2, in view of the fact that respondent no.6 being L-1 and was originally eligible for allotment of work, was thereafter blacklisted , and for connected reliefs.

3. Learned counsel for the petitioner submits that as evident from office order dated 23.01.2013 passed by the Engineer-in-

Chief, Rural Works Department, Patna, respondent no.6 had been blacklisted and as such, the petitioner was entitled to be awarded the work. In any event, in course of hearing of the matter, learned counsel for the petitioner confines his prayer only with regard to the refund of the security deposit still lying with the respondents even though work has not been allotted to the petitioner.

4. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent of the parties, granting liberty to the petitioner to approach the Engineer-in-Chief, Rural Works Department, Patna (respondent no.2) with a fresh representation, who will examine the matter and take steps for payment of the amount of security deposit of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order. If the amount of security deposit is admitted but not paid to the petitioner within the said period, then he would be entitled for simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment. It is further clarified that if the amount of security deposit of the petitioner is not found admitted, then he should be communicated the reasons for reaching such conclusion.

(Vikash Jain, J)

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