

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10587 of 2016

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Ravi Shekhar, son of Chandra Shekhar Prasad Singh, M/s. C.S. Construction, Resident of Mohalla- Gayatri Nagar, Police Station-Motihari Town, District-East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Development, Govt. of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Patna
3. The Superintendent Engineer, Rural Works Department, Work Circle, Motihari, East Champaran.
4. The Executive Engineer, Rural Works Department, Work Circle, Motihari, East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Respondent/s : Mr. Gyan Shankar, AC to G.P. 2

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 29-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the Notification dated 27.6.2016 issued by the Engineer-in-Chief, Rural Works Department, Government of Bihar, by which the petitioner has been declared defaulter and debarred from participating in future tenders.

It is not in dispute that the petitioner had failed to make satisfactory progress with regard to three of the projects allotted to him when debarment order had been passed.

It is submitted by learned counsel for the petitioner that two of the projects have already been completed and only one relating to construction of bridge on REO Road Narkatia to Baikunthwa remains to be completed which, according to learned counsel, the petitioner had completed up to 80% and the said work

had to be completed by 19.5.2015.

The only ground taken in the writ application for the delay is on account of rising of the water level in the river and floods. The same cannot be treated as any valid ground as there could not have been any flood till 19.5.2015 and it is only on account of the delay caused by the petitioner that he had allowed the floods of 2015 and 2016 to hamper the work.

There is nothing in the writ application to show that there was any delay or fault caused on account of the action of the respondents so far as the particular work is concerned.

In the above circumstances, the reliance by learned counsel for the petitioner in the case of M/s. NCC Ltd. vs. The State of Bihar & Ors. : 2013(1) PLJR 952 can be of no avail as it is not a case of admitted fault on the part of the State respondents also.

Learned counsel for the petitioner submits that the petitioner would complete the work within two months period. Let the petitioner do that and in case the same is done then it shall be open to him to represent before the authorities to withdraw the order of debarment.

The writ application is, accordingly, dismissed with the aforesaid observations.

(Ramesh Kumar Datta, J)

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