

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15584 of 2016

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M/s. Shakti Construction, a Partnership Firm through its Partner Raj Kumar Singh S/o Sri Shiv Bachan Singh resident of New Area, P.O. Aurangabad, P.S. Aurangabad District Aurangabad

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Visheshwariya Bhavan Bailey Road Patna
2. The Principal Chef Engineer, Rural Works Department, Government of Bihar, Patna
3. The Chief Engineer- Rural Works Department, Government of Bihar, Patna
4. The Superintending Engineer, Rural Works Department, Aurangabad
5. The Executive Engineer, Rural Works Department, Work Division, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate

For the Respondent/s : Mr. Ajay, G.A. 5

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 17-10-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the order dated 22.6.2016 passed by the Engineer-in-Chief, Road Construction Department by which the petitioner has been declared defaulter and debarred from participating in future tenders.

It is evident from the documents brought on the record by the petitioner that from the Executive Engineer to the Chief Engineer all admit the fact that the delay in the work was not on account of the fault of the petitioner, rather alignment of the road was made available only recently. The said fact is admitted in the counter affidavit also in which it is stated that final decision in the matter shall be taken soon.

Considering the fact that admittedly the petitioner was not at fault, it could not have been declared defaulter and debarred from participating in future tenders.

In the aforesaid circumstances, the writ application is allowed. The impugned order dated 22.6.2016, in so far as it concerns the petitioner, is quashed.

(Ramesh Kumar Datta, J)

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