

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.53 of 2016

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M/s Maa Gayatri Construction through its Partner Mr. Ram Shyam Sharma, son of Late Nawal Kishore Singh, resident of Village- Kharagpur, Kanchanpur, P.S. + P.O. - Bihta, District - Patna, at present- Mohalla- New Bigrahpur, in front of New Bus Stand, Patna - 1.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna 15.
2. The Engineer-in-Chief, Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna 15.
3. The Chief Engineer-1 Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna 1.
4. The Chief Engineer-2, Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road Patna 1.
5. The Executive Engineer, Rural Works Department, Works Division, Patna.
6. The Executive Engineer, Rural Works Department, Works Division, Rajauli.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Manish Sahay, Advocate

For the Respondent/s : Mr. Raj Nandan Prasad, SC-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-05-2016 Heard the parties.

The petitioner was allotted work for construction of four roads, the details of which are present in the impugned order dated 04.10.2013 of the Engineer-in-Chief cum Additional Commissioner cum Special Secretary. It is not in dispute that of the works so allotted the rest has been since completed by the petitioner except the one relating to Agreement No. 16 of 2008 in relation to construction of road from Merahpural to Bijawar under the Prime Minister Gramin Sadak Yojana. The contest thus by passage of time has reduced to the said one work. It is an admitted

position that this work stands incomplete and following which the agreement insofar as it relates to this work has been cancelled under the orders of the Executive Engineer bearing No. 549 dated 28.4.2014 present at Annexure-B and which is now a subject matter of Reference Case No. 120 of 2014 before the Arbitration Tribunal.

This Court is thus not persuaded to interfere with the impugned order of the Engineer in Chief-cum-Additional Commissioner-cum-Special Secretary dated 04.10.2013 present at Annexure-2 *inter alia*:

- (a) That the petitioner has approached this Court after inordinate delay; and
- (b) The order merely debars the petitioner from the next tender.

Since it is the admission of the petitioner that the other works are complete except the one at item no. 1 relating to construction of road from Merahpural to Bijawar and in relation where to the order of cancellation of contract passed and present at Annexure-B, is a subject matter of proceedings before the Arbitration Tribunal, no cause for indulgence is made out.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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