

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2600 of 2014

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Ram Pravesh Rai Estate Pvt. Ltd., Through Its Managing Director Ram Pravesh Rai
S/O Sri Kamal Rai, Resident of Goharua, House, 19, Patliputra Colony, P.S-
Patliputra, Distt- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna
2. The Principal Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in- Chief, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna
4. The Joint Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna
5. The Chief Engineer, North Bihar, Road Construction Department, Darbhanga, Bihar.
6. The Superintending Engineer, Road Construction Department, North Bihar Circle, Muzaffarpur.
7. The Executive Engineer, Road Construction Division No. 1, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. SURESH PD SINGH NO.1, ADVOCATE

For the Respondents : Mr. RAJIV KUMAR SINGH, ADVOCATE

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2016

Heard learned counsel for the petitioner and
learned counsel for the Respondents.

2. The present writ petition has been filed for
quashing the order dated 20.01.2011 vide Memo No. 793 (S)
passed by the Respondent Secretary, RCD Bihar, Patna whereby
he has affirmed the order of blacklisting dated 23.11.2010 passed
vide Memo No. 4815(E) by the Engineer-in-Chief-cum-Special

Secretary dismissing the appeal filed by the petitioner, and for connected reliefs.

3. I. A. No. 2679 of 2016 has been filed for amending the relief in the writ petition and for directing the respondent authorities to extend the validity of the experience certificate of the petitioner.

4. Learned counsel for the petitioner raises a short point challenging the validity of the impugned blacklisting order as affirmed in appeal on the ground that the same has been passed for an indefinite period which is contrary to the settled law in view of the decision of the Apex Court in *M/s. Kulja Industries Limited vs. Chief General Manager, W.T. Project, BSNL and others* [(2014) 14 SCC 731]. It is further submitted that the petitioner has wrongly been prevented from participating in tenders in view of the blacklisting order which is manifestly contrary to settled principles.

5. Learned counsel for the Respondents appears and has been heard.

6. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the submission of the petitioner. A perusal of the impugned blacklisting order dated 23.11.2010 discloses that no period of



blacklisting has been mentioned and thus the same operates for an indefinite period. Accordingly, the impugned orders dated 23.11.2010 as well as appellate order dated 20.01.2011 are set aside. In line with the decision of the Apex Court in Kulja Industries (supra), the matter is remitted back to the Engineer-in-Chief, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna (Respondent No. 3) for passing orders afresh after grant of an opportunity to the petitioner being heard in the matter, who shall be at liberty to also raise the issue with regard to extension of the validity period of its experience certificate. Having regard to the fact that the period of over five years has already been elapsed since issuance of the blacklisting order, it is expected that fresh orders would be passed expeditiously in the light of the aforesaid decision of the Apex Court.

7. The writ petition as well as I.A. No. 2679 of 2016 stand disposed of.

(Vikash Jain, J)

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