

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16221 of 2016

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1. M/s N. D. Engineering Works, A partnership firm having its registered office at west Gandhi Maidan, Jehanabad, P.S. Jehanabad, Dist - Jehanabad through its Managing partners namely Narendra Kumar son of Shree Rambachan Sharma resident of West Gandhi Maidan, P.S. - Jehanabad, Dist - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. The Executive Engineer Rural Works Division, Daudnagar.
5. Executive Engineer Rural Works Department, Works Division II, Aurangabad.
6. The Superintendent of Police, Aurangabad, Dist - Aurangabad.
7. The Officer in charge Kudma Police Station Dist - Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh
Mr. Rajendra Prasad

For the Respondent/s : Mr. Kameshwar Prasad Gupta -GP10

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 08-12-2016

Heard Mr. Amar Nath Singh for the petitioner and A.C.
to G.P.-10 for the State.

In spite of indulgence, no counter affidavit has been
filed on behalf of the concerned respondent.

Petitioner is a registered contractor and is aggrieved by
the order contained in Memo. No. 10939 dated 08.09.2015
(Annexure-8) issued by the Engineer-in-chief of the Rural Works
Department of the Government of Bihar whereby, invoking the power
under the Bihar Contract Registration Rules, 2007, the petitioner has



been put in the blacklist. In other words, the petitioner has been denied to take the governmental contract for indefinite period of time.

Although, there is no dispute that before doing so, the respondent issued notice to which the petitioner responded and thereafter the said order was passed but Mr. Amar Nath Singh, Counsel for the petitioner referring to the said order, submits that the same has been passed for indefinite period of time. His grievance is against such imposition of the punishment of blacklisting for indefinite period of time. Referring to the case of *Kujla Industries Ltd vs. Western Telecom Project BSNL* since reported in **(2014) 14 SCC 731** as well as a judgment dated 2nd February, 2016 passed in C.W.J.C. No. 7658 of 2014 (*Kumar Construction vs. The State of Bihar and Ors.*) by a Bench of this Court, it is submitted that such order has been held to be bad in law and quashed. A web copy of the aforesaid order has been handed in by the Counsel for the petitioner which is taken on record and marked “X” for identification. On going through the said order, it appears that considering the fact that the order of blacklisting has been passed for an indefinite period of time, the same was held not sustainable in law.

Situated thus, the present application is allowed. The order contained in Memo. No. 10939 dated 08.09.2015 (Annexure-8) so far it seeks to blacklist the petitioner’s firm is quashed and set



aside. The respondents are, however, at liberty to pass fresh order, if so warranted, in accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.12.2016
Transmission Date	

