

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8192 of 2015

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M/s Meinhardt (Singapore) PTE Ltd., with its registered place of business in India under Section 592 of the Companies Act, 1956 with its Indian registered Office at A-8, Sector-16, Noida-210301, Uttar Pradesh through its Director (Contracts), Sri Arun Kumar son of Late Maharaj Krishna Gupta resident of House no.2, Road no.48, West Punjabi Bagh, New Delhi- 110026.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Urban Development & Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna-800001.
2. The Managing Director, Bihar Urban Infrastructure Development Corporation Limited, 3rd Floor, Maurya Tower, Maurya Lok Complex, Budh Marg, Patna-800001.
3. The Municipal Commissioner, Patna Municipal Corporation, 2nd Floor, C-Block, Maurya Lok Complex, Patna-800001.
4. The General Manager, Bihar Urban Infrastructure Development Corporation Limited, 3rd Floor, Maurya Tower, Maurya Lok Complex, Budh Marg, Patna-800001.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. K.D.Chatterji, Sr. Advocte Mr. Kumar Nikhil, Advocate Mr. Amlesh Kumar, Advocate
For the Respondent No.4:	:	Mr. Lalit Kishore, Sr. Advocate Mr. Rabindra Priyadarshi, Advocate
For Respondent No.3	:	Mr. Prasoon Sinha, Advocate
For the State	:	Mr. Krishna Chandra Jha, AC to AAG-8.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

Date: 29-08-2016

Heard learned Senior counsel for the petitioner and
learned Senior counsel for the Bihar Urban Infrastructure
Development Corporation Limited as also learned counsels for the
State and for the Patna Municipal Corporation.

The principal ground on which the petitioner has assailed the order dated 31.7.2014 passed by the Respondent-Corporation by which the agreement dated 17.10.2012 between the BUIDCO and the petitioner for preparation of a Detailed Project Report (DPR); bid documents; tendering for execution, construction, supervision and quality control of sewerage and drainage projects of Patna under JNNURM has been rescinded is that the same has been done without issuing any show cause notice and thus without complying with the principles of natural justice.

On the aforesaid point, Mr. Lalit Kishore, learned Senior counsel for BUIDCO admits that the show cause had not been issued prior to the passing of the said order.

In the aforesaid circumstances, the impugned order 31.7.2014 cannot stand. It is, accordingly, quashed and the writ application is allowed.

The respondent BUIDCO shall have the liberty to take fresh steps in the matter in accordance with law.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.9.2016
Transmission Date	