

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20772 of 2014**

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1. M/s Saj Infrocon Project India Ltd through its Managing Director, Akhilesh Kumar Jaiswal, R/o - S- 401, Udaygiri Apartment, Budh Marg, Patna-800001

.... .... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Govt. of Bihar, Bishweshraiya Bhawan Road, Patna. null null
2. The Engineer - in - Chief, Road Construction Department, Govt. of Bihar, Bishweshraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer, Road Construction Department, North Bihar, Govt. of Bihar camp Darbhanga, Bishweshraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, RCD, Road Circle, Saharsa.
5. The Executive Engineer, Road Division, R.C.D, Khagaria.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Suresh Pd Singh No.1, Adv.  
Kumari Rashmi, Adv.

For the Respondent/s : Mr. Manoj kr. Ambastha, GP-14  
Mr. Subodh Kumar, AC to GP-14.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 21-07-2016**

The present writ petition has been filed for quashing the order dated 05.11.2014 passed by the respondent no. 5, whereby he has rescinded the Agreement No. 03 S.B.D./13-14 dated 06.01.2014 in connection with regarding construction of the PCC Road/drainage in Maheshkhunt-Gogeri Parbatta-Sultanganj Ghat Road in km 8th. (Part) and 9th. (Part) and directed forfeiture of the entire security money of Rs. 12,81,400/-; and for connected reliefs.

2. At the very outset, it is submitted on behalf of the respondents that the petitioner has adequate alternative statutory remedy before the Bihar Public Works Contracts Disputes Arbitration Tribunal for redressal of its grievances. This aspect of the matter has not been disputed by learned counsel for the

petitioner.

3. In the above view of the matter, this Court is not inclined to enter upon the merits of the matter. The writ petition stands dismissed with liberty to the petitioner to approach the proper forum in accordance with law for the present reliefs.

4. I.A. No. 5703 of 2016 has been filed for impleading certain respondents as well as for quashing the Memo No. 6616 dated 14.10.2015 passed by the respondent no. 2 whereby he has passed the order of blacklisting the registration of the petitioner for ten years.

5. Inasmuch as the cause of action with regard to the order of blacklisting gives rise to an independent cause of action, the petitioner shall remain at liberty to challenge the same in a duly constituted writ petition, if so advised.

6. Learned counsel for the petitioner states that the aforesaid order of blacklisting has been passed in complete violation of natural justice and without serving any prior show cause notice as has been stated in the interlocutory petition, and thus a fresh writ petition challenging the said order of blacklisting is proposed to be filed shortly. It is submitted that great prejudice is being caused by reason of such palpably illegal order of blacklisting. In the interest of justice, therefore, let the order of blacklisting dated 29.04.2016 remain in abeyance for the period of two weeks from today or until filing of the fresh writ petition as aforesaid whichever is earlier. Since this Court has dismissed the main writ petition on grounds of existence of alternative remedy,

WE  
NOT

there is no occasion to consider the petitioner’s prayer for impleading further respondents.

7. I.A. No. 5703 of 2016 stands disposed of.

**(Vikash Jain, J)**

Md. Ibrarul/-

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