

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13164 of 2013

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Rajendra Singh Construction Pvt. Ltd. a Private Limited Company
incorporated under the provisions of the Companies Act having its
registered office at Bengali Tola, P.O. Laheriasarai, District Dharbhanga
through its Managing Director Shri Rajendra Singh son of Late Ram Sagar
Singh, resident of Mohalla Begali Tola, P.O. + P.S. Laheriasarai,
Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources
Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government
of Bihar, Patna.
3. The Engineer in Chief (Central), Water Resources Department, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti
Mr. Alok Chandra

For the State : Mr. Binita Singh, S.C.-28
Mr. Nishant Kumar Jha, A.C. to S.C.-28

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 15-09-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

A reply to the supplementary counter affidavit has
been filed by the respondents stating that the petitioner's case
cannot be decided in view of the pendency of the present case.
Shown off unnecessary facts, it appears that the petitioner was
blacklisted and the tender in which he has applied was accordingly
rejected as it was found during the course of assessment of the
tender that the petitioner had filed a false experience certificate
from the Power Grid Corporation. Accordingly, not only was the



petitioner's tender rejected, an F.I.R. was also registered being Begusarai (Town) P.S. Case No. 81 of 2012 dated 28.02.2012.

It further appears that during the course of trial, the said F.I.R. ended in an acquittal in favour of the petitioner. The petitioner thus, prays that in view of the acquittal by the Trial Court, the petitioner is entitled to be removed from the list of blacklisted contractors and he may be permitted to participate in future contracts.

The supplementary counter affidavit indicates that the authorities are unable to take any decision in view of the pendency of the civil writ application.

Be that as it may, it appears that now cause for blacklisting which was a moot reason for issuance of order impugned in the present writ application, has now become non est.

Accordingly, this Court directs that the petitioner shall approach the authority with a copy of this order and the authority shall consider his case on its own merit and also with a copy of the judgment of the Trial Court in which the petitioner has been acquitted and pass appropriate orders in accordance with law.

The said consideration must be made within a period of six weeks from the date of receipt/production of a copy of this order.



With the aforementioned directions, the present writ
application stands disposed of.

(Anjana Mishra, J)

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