

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9066 of 2017

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M/s Jitendra Kumar Singh, a proprietor firm, having its registered office at Village-
Gari Bukar, Police Station- Jamui, District- Jamui through its proprietor namely
Mr. Jitendra Kumar Singh, Son of Late Manajar Prasad Singh, resident of Village-
Gari Bukar, Police Station- Jamui, District- Jamui.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Patna, Bihar.
2. The Rural Works Department through Principal Secretary, Government of Bihar, Patna.
3. The Secretary, Rural works Department through Principal Secretary, Government of Bihar, Patna.
4. The Engineer in Chief, Rural works Department Government of Bihar, Patna.
5. The Chief Engineer, Rural works Department, Government of Bihar, Patna.
6. The Superintending Engineer, Work Division, Rural works Department Government of Bihar, Patna.
7. The Executive Engineer, Work Division, Jamui, Rural works Department Government of Bihar, Patna.
8. Bihar Rural Roads Development Agency through its Secretary, Government of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar

For the Respondent/s : Mr. P.N. Shahi- A.A.G.-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-07-2017

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



2. In this case, the petitioner is challenging the order of debarment vide memo no. 6777 dated 2.6.2016, thereby, he has been prohibited to participate in the future tender.

3. The petitioner is a registered contractor engaged in the construction of rural roads in the State of Bihar. The Government of Bihar issued an advertisement, in pursuance thereof, the petitioner has also participated in the bid and was selected, he was given the number of works. As the petitioner failed to complete 80% of the work up to the due date, in pursuance thereof vide letter dated 2.6.2016 some of the Contractors including the petitioner has been prevented to participate in the future tender. The name of the petitioner stands at serial nos. 49, 67 and 255 respectively.

4. Learned counsel for the petitioner submits that on account of many problems, he could not complete the work at due date and requested the authorities to clear the hurdles coming in the way of execution of the work within stipulated time. He further submits that the petitioner has by and large completed the work which is apparently clear from the letter dated 16.03.2017, 04.04.2017 and 25.05.2017.

5. Admittedly, the petitioner has not completed the work



up to the due date, if the petitioner has already completed then the petitioner cannot be debarred to participate in the future tender. Let the Engineer-in-Chief examine the case of the petitioner and make an enquiry about completion of the work assigned to him. If it is found that he has completed the work, he cannot be put to the loss by the Department. For convenience, the petitioner will be at liberty to file a proper application before the Engineer-in-Chief, Rural Works Department, Patna with entire details who will examine and take a decision within a period of four weeks from the date of filing of the application.

6. With the aforesaid observation and direction, this application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	31.07.2017
Transmission Date	N/A

