

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8866 of 2017

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1. Mrinal Construction & Supplier Pvt. Ltd. through its Director Rakesh Kumar Singh, S/o Shaligram Singh, resident of Village- Lakhibag Manpur, Near Hast Kargha Office, P.S. - Muffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
2. The Addl Chief Executive Officer cum Secretary, Bihar Rural Road Development Engineering, Patna.
3. The Engineer in Chief, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, Rural Works Department, Works Division, Tekari, District- Gaya.
6. The Executive Engineer, Rural Works Department, Works Division, Tekari, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the State : Mr. Ashish Kumar Lal, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-07-2017

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

In the present case, petitioner is challenging the order dated 22.6.2016 passed by the Engineer-in-Chief, Rural Works Department, Bihar Patna by which he has been debarred from participation of the future tender.

The petitioner has been placed in debarred list on account of non-completion of work. Petitioner has entered into an



agreement vide agreement no. 22 SBD/2014-15 for construction of road and C.D. Works within maintenance for package (12 PMGSY-103 i.e. (i) BR-12R-582 Magadh Medical College to Koiry Bigha to Nonhar (ii) BR-12R-583 Lakshman Bigha to Murgiya Bigha and (iii) BR-12R-578 Gaya Rafiganj Road to Sonbarsa. The petitioner was debarred on account of the fact that he could not complete the work. He has assigned reason for non-completion of work that basic material i.e. morang and stone chips were not available.

As on today he has already completed the work, nothing has been left out. There is recommendation of different set of Engineers in favour of the petitioner whereafter the Additional Chief Executive Officer-cum-Secretary, Bihar Rural Road Development Engineering, Patna has called for a report from the Executive Engineer, Rural Works Department, Tekari about completion of work as has been claimed by the petitioner.

The Executive Engineer submitted the report that in terms of the agreement the work was commenced on 20.9.2014 and was to be completed by 21.9.2015 but in fact the work has been completed on 20.1.2017. In such view of the matter, it appears that he has already completed.

Learned counsel for the petitioner submits that though he



has completed the work but up till now no positive order has been passed.

In such view of the matter, Additional Chief Executive Officer-cum-Secretary, Bihar Rural Road Development Engineering, Patna is directed to take decision in the matter within three weeks and will take into consideration the decision of the State Government that on completion of work by the contractor he will be released from the debarred list.

In the meantime, the petitioner will be allowed to participate in the tender but the same will be subject to the decision by the Additional Chief Executive Officer-cum-Secretary, Bihar Rural Road Development Engineering, Patna.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.7.2017
Transmission Date	NA

