

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15487 of 2016

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M/s Sharda Construction, a partnership firm having its office at New Area, Maharajganj Road, Aurangabad, Bihar through it's Partner Sri Kaushal Kumar Singh Son of Late Ambika Narayan Singh resident of New Area, Aurangabad, P.S. & District-Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works, Department, Government of Bihar, Patna
4. The Chief Engineer-1, Rural Works Department, Government of Bihar, Patna
5. The Superintending Engineer, Rural Works Department, work Circle, Sasaram
6. The Executive Engineer, Rural Works Department, Works Division, Bhabhua
7. The Assistant Engineer, Rural Works Department, Works Sub-Division, Chainpur, Bhabhua

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Adv.

For the Respondent/s : Dr. Raj Kumar Singh, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-03-2017

Heard learned counsel for the parties.

In this case the petitioner is challenging the order as contained in Memo No. 7567 dated 22.6.2016 passed by the Engineer-in-Chief, whereby and whereunder, the petitioner has been debarred from participating in the future tender on the ground that the petitioner has not completed 80% of the work from the due date of its completion.

Learned counsel for the petitioner submits that the petitioner was carrying out the work order as was assigned to him but



due to certain resistance raised by the local people, he could not complete the work in time and, for that, he has also written different letters to the respondent Executive Engineer which was also accepted by the Executive Engineer vide his letter dated 21.6.2016 wherein he has specifically stated that the link road which connects Naughara village is not being constructed due to objection raised by the Raiyats as they are claiming that the road is going through their land.

The aforesaid fact has been disputed by the State.

Learned counsel for the petitioner submits that he has already completed 86% of the work and is likely to complete it within one month.

In the meantime, the petitioner would not be debarred to participate in the future tender but, allotment of the work will be subject to completion of the work, in question.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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