

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2212 of 2015

IN

Civil Writ Jurisdiction Case No. 23375 of 2013

- =====
1. The State of Bihar through Executive Engineer, Nal Koop Division, Barh.
 2. Secretary, Minor Water Resource Department, Government of Bihar, Patna.
 3. Chief Engineer (South), Nal Koop Prabhag, Minor Water Resources Department, Bihar, Patna.
 4. Chief Engineer, Minor Water Resource Department, Bhagalpur.
 5. Project Convenor, Nal Koop Prabhag, Minor Water Resources Department, Bihar, Patna.
 6. Superintending Engineer, Nal Koop Circle, Patna.
 7. Executive Engineer, Nal Koop Division, Barh.

.... Appellants

Versus

Ms. Rashmani Construction Pvt. Ltd. through its Director namely Mahesh Prasad Sah son of Late Raghunath Prasad Sah Resident of village - Nazari, P.S. Lakshmipur, District - Jamui.

.... Respondents

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Appearance :

For the Appellants : Mr. Ranjan Kumar Singh, AC to PAAG-2

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-02-2017

Against the order dated 16.06.2014 passed by the learned single Judge in the writ application, the State has taken one year and four and a half months to file a simple appeal. The explanation offered is usual about the consultation and decision making from table to table.

This Court is not willing to give a long leeway to the State authorities when an ordinary citizen has been provided only 30 days for filing an appeal.



The limitation petition, i.e. I.A. No. 9584 of 2015, therefore, is dismissed. As a consequence thereof, even the appeal is required to be dismissed.

However, this Court went through the merits of the order passed by the learned single Judge as well. For default in execution of the tender, not only the tender was cancelled, the deposit forfeited, but the private respondent was debarred from future participation for all times to come. This is what the learned single Judge has found to be offensive and objectionable, therefore, that part of the order was interfered with.

No infirmity emerges from the order of the learned single Judge, which requires to be rectified in appeal. Appeal also lacks merit. Both the limitation petition and the appeal are dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.02.2017
Transmission Date	N/A

