

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10091 of 2017

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1. Kems Services Private Limited Through Its Managing Director Mr. Mohan Kumar Khandelwal Son of Sri Durga Prasad Khandelwal, 76, B1/B Maurya Lok Complex, Dak Bunglow Road, P.S.- Kotwali, Patna- 800001(Bihar).

.... Petitioner/s

Versus

1. South Bihar Power Distribution Company Ltd (A Unit of Government of Bihar), through its Managing Director, Second Floor, Vidyut Bhawan, Bailey Road, Patna 800 001.
2. The Managing Director, South Bihar Power Distribution Company Ltd. (A Unit of Government of Bihar), Second Floor, Vidyut Bhawan, Bailey Road, Patna 800 001.
3. The Chief Engineer(Civil), Bihar State Power Holding Company Ltd., Now it is South Bihar Power Distribution Company Ltd. (A Unit of Government of Bihar), Second Floor, Vidyut Bhawan, Bailey Road, Patna 800 001.
4. The Superintending Engineer, Electric Supply Circle, Bhagalpur.
5. The Executive Engineer(Civil), Bhagalpur Electric Supply Area, Bhagalpur.
6. The Chairman-Cum-Managing Director, Bihar State Power Holding Company Ltd., Forth Floor, Vidyut Bhawan, Bailey Road, Patna 800 001.
7. The Director(Planning), South Bihar Power Distribution Company Ltd. (Unit of A Government of Bihar), Second Floor, Vidyut Bhawan, Bailey Road, Patna 800 001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Sahay,
Mr. Anil Kumar Sinha
For the Respondent/s : Mr. Dr. Kislay

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-09-2017

Heard the parties.

In the present case, petitioner has prayed for quashing the order of blacklisting dated 27.12.2017 and also for quashing of notice for inviting tender no.17/PR/SBPDCL/2017.

Petitioner was allotted work for construction of District



Control Room (DCR)-cum-MRT Building (G+3) at Bhagalpur during the period 2013-14. The work value was of Rs.3,12,80,000/-. In paragraph nos. 8 and 11 of the writ petition it has been mentioned that during the period of contract, petitioner was not allowed to do the work but after expiry he was directed for restarting the work at approved work site whereas respondent in paragraph 5 of the counter affidavit has stated that in a time span of one year and eleven months petitioner has only completed 15% of work itself indicates tardy movement of work, not consistent with agreement but petitioner has stated in the petition that he is ready to complete the remaining work within 9 months at old rate.

In view of such statement, petitioner is directed to complete the work within nine months and payment would be made in terms of old rate. Nine months will start from 9th October, 2017.

The impugned order dated 27.1.2017 is set aside. If petitioner would fail to complete the work within the aforesaid period, the respondent will be at liberty to take action in accordance with law against him.

With the aforesaid observation and direction this writ



petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.9.2017
Transmission Date	NA

