

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11804 of 2018

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M/s K P C Projects Limited, a registered company having its office at 1-2-339/1, Street No.-6, Gagan Mahal, Domalguda, Hyderabad, erstwhile Andhra Pradesh now Telengana through its Project Manager namely Mr. Pannalal Kali Charan Son of Late P.V. Sastry presently residing at I.G.I.C. North Building, P.M.C.H. Campus, Patna, Bihar.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Building Construction, Government of Bihar, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Department of Building Construction, Government of Bihar, Patna.
3. The Chief Engineer, Department of Building Construction, Government of Bihar, Patna.
4. The Superintending Engineer, Construction Circle, Department of Building Construction, Government of Bihar, Patna.
5. The Executive Engineer, Construction Division No.-1, Department of Building Construction, Government of Bihar, Patna.
6. The Departmental Tender Committee through its Chairman, Building Construction Department, Government of Bihar, Patna.
7. The Members of the Departmental Tender Committee, Building Construction Department, Government of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar,
Mr. Avinash Kumar,
Mr. Rajeev Shekhar, Advocates

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the petitioner.

2. The present writ petition has been filed for quashing a decision taken by the Tender Committee of the Building Construction



Department in its meeting dated 24.05.2018 as well as consequential order of the Chief Engineer contained in letter no. 1223 dated 25.05.2018 communicating the decision of the Tender Committee to the Executive Engineer, Construction Division No. 1, Patna that all the work orders of the petitioner-company for carrying out the construction work of Indira Gandhi Institute of Cardiology, Patna have been rescinded with penalty; and for connected reliefs.

3. Learned counsel for the petitioner raises a short submission to assail the decision of the Tender Committee to rescind work orders of the petitioner with penalty on the ground of violation of natural justice as no prior opportunity of being heard in the matter was granted to the petitioner. It is pointed out that as a matter of fact, the Executive Engineer had recommended for closure of all the agreements of the petitioner which has been misconstrued as recommendation for rescinding the agreements.

4. None appears on behalf of the respondents despite repeated calls.

5. Having regard to the nature of the grievance of the petitioner, the impugned decision of the Tender Committee dated 24.05.2018 at page 135 as well as the consequential order dated 25.05.2018 (Annexure-17) at page 134 are hereby quashed and the matter is remanded to the Tender Committee of the Building



Construction Department, Bihar, Patna (Respondent No. 6) to take a fresh decision in the matter in accordance with law after issuing show cause notice to the petitioner and grant of adequate opportunity of hearing.

6. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.07.2018
Transmission Date	N.A.

