

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.453 of 2018

In
Civil Writ Jurisdiction Case No.3577 of 2018

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Kamladitya Constructions Pvt. Ltd. Through Its Authorized Signatory Vinod Kumar Singh, Son of Lalan Singh, Resident of House No.36, Co-operative Colony, Bokaro Steel City, Bokaro, Jharkhand- 827001.

... .. Appellant

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Central, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Dehri, District Sasaram, Bihar.
4. The Superintendent Engineer, Water Ways Circle, Bhabhua, District-Sasaram, Bihar.
5. The Executive Engineer, Sone High Level Canal Division, Bhabhua, District Sasaram, Bihar.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Y.V. Giri, Senior Advocate
		Mr. Ashish Giri, Advocate
For the Respondents	:	Mr. Sanjay Prasad, AC to AAG-4

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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 : 05-04-2018

Submission of learned senior counsel appearing on behalf of the appellant, while assailing the order dated 27.03.2018 in relation to blacklisting of the company alone dated 06.02.2018 bearing order No. 412, is that the order dated 06.02.2018 blacklisting for indefinite period was also required to be quashed, which the learned single Judge failed to do so. This is necessitated in the background that the learned single Judge has held the order



to some extent to be bad and has also remanded the matter for fresh consideration by the Chief Engineer by giving an opportunity of hearing.

If this is the background, then there is no occasion for the earlier order relating to blacklisting to remain in existence, which should be quashed and is quashed.

So far as other direction given by the learned single Judge of remanding the matter to the Chief Engineer for a fresh decision after giving an opportunity of hearing is concerned, the same subsists.

It goes without saying that the Chief Engineer has an obligation to consider the matter in totality objectively.

Appeal is allowed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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