

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7973 of 2018**

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Vats Infratech Private Limited, Builders, Contractors and Suppliers Sukanto Path, Gate Bazar, Ward No. 33, Siliguri 734007, West Bengal, through its Meenakshi Rai, Managing Director, Wife of Binod Kumar Rai Resident of Village-Banshi Batraha, P.O. Mishra Batraha, District-Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer 2, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Kishanganj.
5. The Executive Engineer, Rural Works Department, Work Division, Kishanganj 1

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar, Adv

For the Respondent/s : Mr. KUMAR ALOK- SC7

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 11-05-2018**

The present writ petition has been filed for the following reliefs

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- (i) *For setting aside the order contained in letter no. 7725 dated 29.06.2017 issued by the Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna, whereby the petitioner has been debarred from participating in future tender irrespective of the fact that the Executive Engineer, Rural Works Department Works Division, Kishanganj1 and the Superintending Engineer, Rural Works Department. Works Circle, Kishangani, have already communicated that the petitioner had already*



*completed the entire work and maintenance work on 12.06.2017 itself. It is further submitted that no show cause notice whatsoever was ever issued to the petitioner before issuance of order of debarment.*

*(ii) For any other relief for which the petitioner may be deemed entitled to.*

2. Learned counsel for the petitioner submits that the impugned order of debarment dated 29.06.2017 insofar as concerns the petitioner is wholly arbitrary and illegal inasmuch as, the petitioner has already completed the work of both the projects as evident from letter no. 647 dated 12.06.2017 addressed to the Chief Engineer-2 by the Superintending Engineer (Annexure-3). Thereafter, by letter no. 734 dated 31.07.2017 (Annexure-7) the Executive Engineer has again written to the Superintending Engineer to lift the debarment order against the petitioner in view of the completion of the work by the petitioner. The Superintending Engineer in turn has also written to the Chief Engineer-2 to the same effect.

3. Learned counsel for the respondent appears and has been heard. No counter affidavit has been filed controverting the stand of the petitioner.

4. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. The various correspondences referred to above clearly indicate that the petitioner had completed the work prior to passing of the impugned debarment order and in that view of the matter, such debarment order cannot be sustained against the petitioner.

5. In the above view of the matter, the impugned order dated 20.06.2017 (Annexure-6) insofar relates to the petitioner stands quashed. The writ petition stands allowed.



(Vikash Jain, J)

Chandran/BT

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| AFR/NAFR          | NAFR       |
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