

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9860 of 2017

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1. Deo Enterprises Private Limited, having its registered office at Trimurti Apartment, Vasant Vihar, Ranchi, P.S. Doranda, District- Ranchi Jharkhand through its director shri Nand Kumar Yadav, Son of Shri Pnit Prasad Yadav, resident of Village Chak Hussaini, P.S. Manshi, District- Khagaria (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer in Chief, Rural Works Department, Govt. of Bihar, Patna.
4. The Chief Engineer-2, Rural Works Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Works Circle, Rural Works Department, Saharsa, Bihar.
6. The Executive Engineer, Works Division, Rural Works Department, Khagaria, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-07-2018

The present writ application has been filed for quashing the order as contained in Memo No.7725 dated 29-06-2017 as well as enclosed debar list in Prapatra-K issued under the signature of the Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna whereby and whereunder the petitioner has been declared suspended and have been debarred from participating in forthcoming new tender to be invited by the State/Central Government or its agencies, and for connected reliefs.

2. Learned counsel for the petitioner submits that the petitioner has arbitrarily been placed in the debarment list on the basis of 75% of the work, said to have been completed on the basis of the letter dated



10.04.2017 whereas the petitioner has completed 82.772% of the work as on 28.06.2017 which is evident from the certificate issued by the Executive Engineer (Annexure-6).

3. Learned Counsel for the respondents on the otherhand relies on paragraph-16 of the Counter Affidavit to submit that the petitioner only completed 65.09 % of the work till the date 19.10.2014. Thereafter, it executed the work upto 84.31 % till 31.05.2017. It is stated that the petitioner has not completed the work even after lapse of about four years since the stipulated date of completion of work.

4. Having regard to the nature of grievance of the petitioner, this Court is of the view that ends of justice will be met, if, the petitioner is granted liberty to represent its grievance before the Engineer-in-Chief (Respondent No. 3) for appropriate redressal, particularly, in view of the submission of the petitioner that revised estimate of the work is pending approval.

5. The writ Petition, accordingly, stands disposed of.

(Vikash Jain, J)

A.K.V./Chandran-

AFR/NAFR	
CAV DATE	NA
Uploading Date	05-07-2018
Transmission Date	

