

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2171 of 2016

In
Civil Writ Jurisdiction Case No.5416 of 2014

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1. The State Of Bihar through the Secretary, Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
 2. The Engineer-In-Chief Cum Additional Commissioner Cum Special Secretary, Rural Works Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
 3. The Executive Engineer, Rural Works Department, Work Division, Nawada.

... .. Appellant/s

Versus

M/s S. K. Enterprises through its Partner Smt. Snehlata, Wife Of Sri Sanjay Kumar Resident Of Mohalla:- Bigrampur, New Bas Stand, P.S.- Jakkanpur, District:- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. S.K.Mandal, SC 3
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 03-01-2018

Even though the Court is not satisfied with the reason assigned for the delay of 270 in preferring this appeal, however, in the interest of justice, the delay is condoned and I.A. No.9141 of 2016 is allowed. Matter is taken up on merits.

The order under challenge is dated 27.01.2016 passed by the learned Single Judge, who allowed the writ application and the impugned order, which was letter no.11369, dated 04.10.2013, which declared the private respondent as a defaulter and debarred from participation in future tenders, was set aside.



The submission of the counsel for the State is that the learned Single Judge has erroneously relied on a decision rendered in the case of *M/s NCC Ltd. v. the State of Bihar & Ors., reported in 2013 (1) PLJR 952.*

We have perused the order. The Bihar Public Works Contract Disputes Arbitration Tribunal does not have an authority or power to decide questions of debarment or declaration of a company or a bidder to be a defaulter, therefore, the plea which was taken before the learned Single Judge on behalf of the State that since jurisdiction of the Arbitration Tribunal has been invoked by the private respondent, the writ application ought to have been dismissed, has been rightly negated by the learned Single Judge. The domain and scope of the powers vested in the Arbitration Tribunal cannot be expanded.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	AFR
CAV DATE	NA
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