

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.907 of 2017

IN

Civil Writ Jurisdiction Case No. 12493 of 2016

- =====
1. The State of Bihar through the Secretary Department of Road Construction Department, Government of Bihar, Patna.
 2. The Engineer in Chief, Road Construction Department, Government of Bihar, Patna.
 3. The Secretary, Road Construction Department, Government of Bihar, Patna.
 4. The Chief Engineer, Road Construction Department, North Camp Darbhanga, Government of Bihar, Patna.
 5. The Superintending Engineer, Road Construction Department, Road Circle, Saharsa.
 6. The Executive Engineer, Road Division, Road Construction Department, Khagaria.

.... Appellant/s

Versus

S A J Infracon Project India Ltd. Having its registered office at S - 401 Udai Giri Apartment, Near Kotwali Thana, Police Station Kotwali, Patna - 800001 through its Managing Director Akhilesh Kumar Jaiswal Son of Late Ram Narayan Lal Resident of S - 401 Udai Giri Apartment, Near Kotwali Thana, Police Station Kotwali, Patna - 800001.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dinesh Maharaj
Mr. R B Prasad Yadav

For the Respondent/s : Mr. Prabhat Ranjan and Mr. Chandan Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-03-2018

Seeking exception to an order passed by the learned Writ court on 25.10.2016 allowing the writ petition and quashing an order passed by the Engineer-in-Chief, Road Construction Department, Government of Bihar, on 14.10.2015 blacklisting the petitioner-respondent herein for a period of ten years under the Bihar



Contractors Registration Rules, 2007 this appeal under clause 10 of the Letters Patent has been filed by the State Government.

Having heard learned counsel for the parties, we find that the respondent-petitioner was blacklisted in view of non-compliance with certain provisions with regard to the contract awarded to it for construction of RCC drain and PCC road in Mahesh Khunt-Gogri-Parbatta-Sultanganj Ghat Road in the year 2013-14.

After examining the issue in detail the learned Writ Court found that the default in complying with the work entrusted was as the State Government failed to adopt the encroachment work and did not take steps for creating an atmosphere wherein the work could be completed. Finding the decision to blacklisting to be an arbitrary work based on inaction on the part of the State Government the Writ Court has interfered into the matter and in our considered view the learned Writ Court has not committed any error in doing so.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr.l./-

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