

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10295 of 2018

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1. Shiva Consultancy Services (P) Ltd. having its Corporate Office at A-87, L.G.F. Malviya Nagar, Main Shivalik Road, New Delhi- 110017 representing through its Authorized Signatory, namely, Arun Kumar Singh Son of late Ram Bahadur Singh Resident of Flat No. 7, Galaxy-2 Apartment, New Patliputra Colony, P.S. Patliputra, District- Patna.
 2. Arun Kumar Singh Son of late Ram Bahadur Singh Resident of Flat No. 7, Galaxy-2 Apartment, New Patliputra Colony, P.S. Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Road Construction Department, Government of Bihar, Patna
4. Bihar Industrial Area Development Authority, Patna through its Managing Director, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority, Patna.
6. The Chief Engineer, Bihar Industrial Area Development Authority, Patna.
7. The Infrastructure Development Authority, Bihar through its Managing Director, Patna.
8. The Managing Director, Infrastructure Development Authority, Bihar, Patna.
9. The Director, Project Execution, Infrastructure Development Authority, Bihar, Patna.
10. The Executive Engineer (Technical) Infrastructure Development Authority, Bihar, Patna.
11. The Executive Engineer (B.O.T), Infrastructure Development Authority, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pratik Kumar Sinha, Adv
For the IDA	:	Mr. Vikash Kumar, Adv
For the BIADA	:	Mr. Avinash Kumar, Adv
For the State	:	Mr. Indeshwari Prasad Mandal, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-06-2018



The present writ petition has been filed for the following reliefs –

- (i) *For issuance of a writ/order in the nature of certiorari for quashing the letter as contained in Memo No. 111/Tech dated 16.01.2018 issued under the signature of the Director (Project Execution), Infrastructure Development Authority in compliance of order of the Managing Director, Infrastructure Development Authority (a venture of Government of Bihar) by which the licence of the petitioner company bearing Registration No. 0 dated 20.08.2009 has been blacklisted for five years and its consequential communication as contained in Memo No. 2021 dated 16.03.2018 by which information with regard to blacklisting has been given for necessary action to be done at their end, without adhering to the principles of natural justice apart from the action being violative of the provisions of the law and having without jurisdiction.*
- (ii) *For issuance of further direction upon the respondents to allow the petitioner company to participate in fresh tenders being floated/published by the Department, so that the petitioner's right to business guaranteed under the Constitution of India would not be infringed in any manner in fetching work order from other sources which is being affected by the impugned order.*
- (iii) *For issuance of further order/orders or writ/writs or direction/directions to the respondent*



authorities to grant him further relief as he may be entitled under the law in the attending facts and circumstances of the case.

2. Learned Senior Counsel Mr. Y.V. Giri appearing on behalf of the petitioners submits that the impugned order dated 16.01.2018 (Annexure-22) which has been passed in a mechanical manner and without assigning a single reason whatsoever, why the show cause reply submitted by the petitioner was not found acceptable. It is further submitted that the show cause itself is vague and did not set out the allegations against the petitioners in detail. Moreover, the show cause was issued by the Executive Engineer (Technical) to whom the show cause reply was also furnished, but the impugned order stated to have been issued on the direction of the Managing Director and has been communicated by the Director (Project Execution).

3. Learned counsel for the respondents-Infrastructure Development Authority submits that the impugned order suffers from no infirmity in view of Regulation 3.1 of the I.D.A. (Financial Service and Technical) Regulations, 2007 which provides for authentication by the signature of the Managing Director or some other officer specified in this behalf. It is stated that in the present case, recommendation for blacklisting was made by the Executive Engineer (Technical) which was duly authenticated by the Managing Director, consequent upon which the impugned order dated 16.01.2018 was communicated by the Director (Project Execution).

4. Having heard the parties and on consideration of the materials on record, this Court is of the view that even if the Director was competent to communicate the order passed after authentication by the Managing Director, a bare perusal of the



impugned order discloses that no reason whatsoever has been assigned or communicated to the petitioner in the impugned order of blacklisting.

5. In the above view of the matter, the impugned order dated 16.01.2018 as issued cannot be sustained in law and the same is hereby quashed with consequential reliefs. The matter is remanded to the Executive Engineer (Technical) to pass fresh orders after considering the show cause reply of the petitioners in accordance with law and after grant of opportunity of hearing to the petitioners.

6. The writ petition is accordingly, allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2018
Transmission Date	NA

