

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13501 of 2018

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Manglam Planners & Construction Pvt. Ltd. through Its Signatory Sanjeev Kumar
@ Sanjeev Kumar Son of Sri Jagdish Prasad Singh resident of Dhourani Tola,
Ward No. 17, Mokamah, Police Station - Mokama, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Jawaharlal Nehru Medical College and Hospital, Bhagalpur through the Superintendent.
3. The Superintendent Jawaharlal Nehru Medical College and Hospital, Bhagalpur - 821001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr. Ajay Bihari Sinha – G.A.-8
Mr. Neeraj Raj, AC to G.A.-8

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner is aggrieved by the order dated 25.06.2018 as contained in Annexure-5 by which the period of supply, which was extended on 08.06.2017 for three years vide Annexure-4, has been cancelled as the petitioner has not entered into an agreement.

It has been submitted by the learned counsel for the petitioner that the petitioner was given the order to supply service of



generator in the hospital namely, Jawaharlal Nehru Medical College and Hospital, Bhagalpur and one 10KVA new generator. Agreement was entered between the parties on 16th July, 2014 and contract was for a period of three years. The petitioner worked to the satisfaction of the said hospital and by memo no. 2236 dated 08.06.2017, the period of work was extended from 01.08.2017 till a period of three years stating therein that the terms and conditions of the earlier agreement would continue. Now with the impugned order dated 25.06.2018, the petitioner has been stopped from discharging the work as he has not entered into an agreement which has been directed to be stopped with effect from 31.08.2018. He submits that tenders have been invited for the said work and last date of submission is 31.07.2018. He submits that he was never called to enter into an agreement as the terms of the extension of three years from 01.08.2017 was in terms and conditions with the old agreement, hence the order dated 25.06.2018 is arbitrary, irrational and not in accordance with law.

Learned counsel for the State, however, submits that the fresh agreement as required for extension has not been entered, hence the impugned order has been issued cancelling the work order w.e.f. 31.08.2018.

Considering the rival submissions of the parties, the petitioner was never called upon to enter into a fresh agreement as the



terms and conditions of the earlier agreement dated 16th July, 2014 would continue in the extended period w.e.f. 01.08.2017 which is the postulate of the order granting extension dated 08.06.2017. It is not that the petitioner has not worked to the satisfaction of the said respondents.

Under such circumstances, the order as contained in Annexure-5 dated 25.06.2018 is quashed. The respondents would allow the petitioner to complete the remaining period as envisaged in the letter dated 08.06.2017. A fresh agreement for the extended period would be executed if the respondents so want.

Writ application is allowed.

(Nilu Agrawal, J)

Devendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

