

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.598 of 2018

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M/s Topline Infra Projects Pvt. Ltd. having its place of business Ambedkar Chowk Mirchai Bari, Katihar through its authorized Signatory namely Rakesh Kumar Son of Sri Nand Lal Khudania Resident of Deharai Bara Bazar, P.S. and District- Katihar.

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Building Construction Govt. of Bihar, Patna.
2. The Secretary, Building Construction Department, Govt. of Bihar, Patna.
3. The Engineer in Chief-cum-Additional Commissioner cum Special Secretary, Department of Building Construction, Govt. of Bihar, Patna
4. The Additional Secretary cum Commissioner, Financial Advisor, Department of Building Construction, Govt. of Bihar, Patna.
5. The Chief Engineer (North), Department of Building Construction, Vishveshwariya Bhawan, Bailey Road, Patna.
6. The Executive Engineer, Department of Building Construction, Katihar.

.... .... Respondents

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#### Appearance:

For the Petitioner : Mr. Gautam Kumar Kejriwal, Advocate

For the Respondents : Mr. Syed Iqbal Ahmad -SC20  
Mr. Syed Md. Najmul Bani, AC to SC 20

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 23-02-2018**

The present writ petition has been filed for quashing of the office order communicated vide letter bearing Memo No. 11792(bha) dated 29.12.2017 issued by the respondent Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar, Patna; and for connected reliefs.

2. Learned counsel for the petitioner raises a short submission to assail the impugned order dated 29.12.2017 (Annexure-5) to the effect



that no show cause whatsoever has been issued pursuant to suspension of the petitioner's licence as done in the impugned order. It is therefore, submitted that the petitioner was prevented from filing an effective show cause in this behalf leading to failure of natural justice.

3. Learned counsel for the respondent appears and relies on the counter affidavit to oppose the writ petition, however, the stand of the petitioner has not been controverted.

4. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. It transpires from a bare perusal of the show cause notice dated 12.10.2017 (Annexure-3) by which the petitioner had been called upon to file its explanation with regard to the allegation of breach of confidentiality of the tender that however, no proposed action has been made known to the petitioner to enable it to furnish a specific and effective reply. The impugned order has thus traveled beyond the show cause notice in suspending the registration of the petitioner for a period of one year depriving it from participating in any work of the Building Construction Department. Such order must therefore, be held to be violative of the principles of natural justice and cannot be sustained in law.

5. Accordingly the impugned order as contained in memo no. 11792(bha) dated 29.12.2017 (Annexure-5) is hereby quashed with liberty to the respondents to issue a fresh show cause in accordance



with law, if suspension of the petitioner’s registration is proposed.

6. The writ petition stands allowed.

**(Vikash Jain, J)**

Chandran/BT

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| AFR/NAFR             | NAFR       |
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