

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11752 of 2018

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Sunil Kumar Singh, Vice President, Hi-Tech Sweet Water Technology Private Limited, Surat, Son of Late Balram Singh, Resident of Mohalla Text Book Colony, Keshri Nagar, P.O. and P.S.- Shastri Nagar, District- Patna, Office Address- Aprajita, Sri Krishna Puri, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer-In-Chief, Public Health Engineering Department, Government of Bihar, Patna.
4. Excusive Engineer, P.H. E. Division, Motihari, Station Road, Beli Sarai, Pani Tanki, P.S.- Mufasil, District- Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Bhagya Narayan Jha, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-07-2018

Heard learned senior counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 13.10.2017 (Annexure-3) passed by respondent-Chief Engineer (Design), Public Health Engineering Department, Government of Bihar, Patna whereby and whereunder the petitioner has been debarred from participating in future tender.

3. Learned senior counsel appearing on behalf of the petitioner submits that the impugned order dated 13.10.2017



(Annexure-3) has been passed without granting proper opportunity of hearing to the petitioner. It is further submitted that the letter dated 22.07.2017 merely asks the petitioner why recommendation for debarment be not made, to which the petitioner has filed his response on 29.07.2017 (Annexure-7). However, no specific show cause notice prior to passing of the impugned order of debarment was issued.

4. Learned counsel for the respondents, on the other hand, points out that show cause notice dated 22.07.2017 was issued in the backdrop that the petitioner had merely completed 3.32 % of work which was required to be completed by 23.11.2017. Thereafter the impugned order has been passed on 13.10.2017 in view of the fact that the petitioner had completed 10% of work. Reference is invited to the reply of the petitioner dated 29.07.2017 (Annexure-7) by which the petitioner had made commitment to complete 60% of work by last week of December 2017 and remaining 40% work by last week of May 2017(sic 2018). As against this, it is pointed out from paragraph 13 of the writ petition itself which was filed on 19.06.2018 that out of 211 sites under the agreement, only 25 sites were ready and 67 sites were in the last stage of completion. It is therefore submitted that the petitioner has failed to keep his own commitment to complete the entire work by May, 2018.

5. Having heard learned counsel for the parties and on



Careful consideration of the materials available on record, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction. The petitioner had made a commitment as far back as on 29.07.2017 that the entire work would be completed by May 2018 which has still not been completed despite his own commitment. Moreover, the impugned order has been passed as far back as on 13.10.2017 and there is considerable delay and laches in approaching this Court after more than eight months on 19.06.2018 without adequate explanation.

6. The writ petition accordingly stands dismissed.

7. It is made clear that the present judgment shall not stand in the way of the petitioner in seeking any other remedy as may be available to him in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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