

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14783 of 2018

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BLA Projects Pvt. Ltd. A registered company having its registered office at Indicon Viva, third floor, 53-A, Leela Roy Sarani, Kolkata-7000191 its legal executive namely Debashish Sinha, son of Late Banabehari Sinha resident of 48/1E, Leela Roy Sarani, Ballygunge, Kolkata-700019

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Road Construction Department, Government of Bihar, Patna
2. The Principal Secretary-cum-Commissioner, Road Construction Department, Government of Bihar, Patna
3. The Engineer in Chief-Additional Commissioner- Special Secretary, Road Construction Department, Government of Bihar, Patna
4. The Chief Engineer, National Highway Section, Road Construction Department, Government of Bihar, Patna
5. The Superintending Engineer, National Highway Section, Road Construction Department, Government of Bihar, Patna
6. The Executive Engineer, National Highway Section, Road Construction Department, Government of Bihar, Patna

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Atal Bihari Pandey, Advocate Mr. Alok Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sushil Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-07-2018 Heard learned counsel for the petitioner and learned counsel appearing for the State.

Petitioner is aggrieved by the order dated 15.05.2018(Annexure-11), passed by the Engineer in Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Government of Bihar, Patna (Respondent No. 3) by which the contract of the petitioner has been suspended for two years and because of the deficiency in bitumen in construction work so undertaken by the petitioner



action has been proposed for recovery.

The work order for widening and strengthening work in KM 68.1 to 86.350 of NH 110 was awarded to the petitioner and agreement entered into being SBD 01/2013-14 on 27.05.2013. An inspection was conducted by the Flying Squad of the Department, who found that the bitumen strength was less than the required strength and also found certain deficiencies. The petitioner was asked a show cause, which was filed by the petitioner, but finding it not satisfactory, the impugned order dated 15.05.2018(Annexure-11) has been passed by the Respondent No. 3.

The petitioner in his show cause reply has submitted a report of the NIT, Patna, which certified that the bitumen content during laying of roads was in accordance with the tender. The said inspection having not been conducted before the departmental authorities, the report was found not satisfactory in the impugned order.

The petitioner against the order of suspension filed an appeal before the Principal Secretary cum Commissioner, Road Construction Department, Government of Bihar (Respondent No. 2) on 05.06.2018(Annexure-12), which is pending consideration.



Considering the fact that an appeal is pending before the Principal Secretary cum Commissioner, Road Construction Department, Government of Bihar (Respondent No. 2), let the petitioner participate in further tenders, which will be subject to the result of this writ application. The appeal preferred by the petitioner be disposed off by the Principal Secretary cum Commissioner, Road Construction Department, Government of Bihar (Respondent No. 2) as expeditiously as possible within a period of one month from the date of receipt/ production of a copy of this order.

Writ application stands disposed off.

(Nilu Agrawal, J)

Rajesh/-

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