

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1383 of 2019**

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M/s. S & P infrastructure Developers Pvt. Ltd. a registered Company having its registered office at 07, New Delhi House, 27, Barkhamba Road, New Delhi 110001 through its authorized representative Sri Shatrudhan Mishra, aged about 54 years, son of Late Mr. Ambika Mishra Resident of Ward No.08, Narayanpur, Ramnagar, West Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Govt. of Bihar, Patna
2. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Department of Road Construction, Govt. of Bihar, Patna
3. The Chief Engineer Advance Scheme cum Nodal Officer, OP RMC, Road Construction Department, Bihar, Patna
4. The Chief Engineer (South), Department of Road Construction, Bihar, Patna,
5. The Superintending Engineer, Department of Road Construction, Arrah
6. The Executive Engineer, Department of Road Construction, Road Construction Division, Dehri-on-Sone, Rohtas

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Gautam Kumar Kejriwal, Advocate<br>Mr.Alok Kumar Jha, Advocate |
| For the Respondent/s | : | Mr.Uday Shankar Saran Singh (GP19)                                |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      01-02-2019                      Heard learned counsel for the petitioner and learned counsel representing the State.

This writ application has been preferred for setting aside the order dated 08.01.2019 as contained in Annexure-2 to the present application by which the registration of the petitioner company has been placed under suspension for a period of two years.

On the last date, when the matter was taken up learned counsel for the petitioner had drawn the attention of this



Court towards the statements made in Paragraph 16-17 of the writ application wherein the petitioner has categorically stated that prior to passing of the impugned order, the respondent no. 2 has never served any notice seeking explanation against such proposed action of suspension under Rule 11 of the Bihar Contractor Registration Rules, 2007.

Vide order dated 24.01.2019, while granting time to the State respondents to file a counter affidavit, this Court directed that till further order the operation of the impugned order as contained in Annexure-2 shall remain stayed.

During the given period of two weeks, neither the counter affidavit has been filed nor any application has been made for extension of time to file counter affidavit. The statements of the petitioner remain uncontroverted.

Today also when the matter has been called out nothing could be brought to the notice of this Court to satisfy that the principles of natural justice has been followed by the Engineer-in-Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Bihar, Patna while passing the impugned order.

In the opinion of this Court, the impugned order is fit to be quashed on the ground of violation of principles of natural



justice alone. The Engineer-in-Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Bihar, Patna seems to have acted in haste while passing the impugned order. He is reminded of the provisions of the Rule itself wherein it is provided that any order of the nature as contained in Annexure-2 may be passed only after giving opportunity of hearing to the petitioner.

In result, the impugned order is quashed. However, it is open for the authorities concerned to proceed if so desire in accordance with law.

The writ application is allowed to the extent indicated above.

**(Rajeev Ranjan Prasad, J)**

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