

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16875 of 2019

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M/s Ganesh Ram Dokania a Partnership firm having its Place of Business at Aliganj, Banka through its authorised signatory namely Tapan Kumar Singh, Son of Jatin Chandra Singh, Resident of House No. 13, C/o Rekha Devi, Road No. 7, Indrapuri, P.S. - Keshri Nagar, Patna- 800024

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Building Construction, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Building Construction, 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(South), Department of Building Construction, Vishveshwariya Bhawan, Bailey Road, Patna.
6. The Executive Engineer, Department of Building Construction, Building Division, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal, Adv. Mr. Alok Kumar Jha, Adv. Mrs. Aishwarya Riti, Adv.
For the Respondent/s	:	Mr.Manoj Kr. Ambastha (SC-26)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-11-2019 In course of argument when Mr. Kejriwal, learned counsel for the petitioner submitted before this Court that in terms of directions contained in paragraphs 24 and 25 of the judgment dated 06.03.2019 passed in CWJC No.20035 of 2018 it was incumbent upon the Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar (respondent no.3) to consider



the matter afresh and to take a view indicating the materials available with him to form an opinion that the petitioner had formed any 'cartel', Mr. Ambastha, learned SC-26 has taken a reasonable view of the matter and accepts that from the impugned order at least it does not appear that the respondent no.3 has given any consideration to the directions issued by this Court.

This Court finds from a bare reading of the impugned order as contained in Annexure-12 to the writ application that neither the show cause of the petitioner was considered nor in terms of the directions issued by this Court the authorities have formed any opinion based on the materials available on the record. It was incumbent upon them to take a view in the light of the observations of the Court and should have indicated their consideration referring to the materials based on which they have formed an opinion.

In the aforesaid facts and circumstances of the case, the impugned order as contained in Annexure-12 is set aside. The matter is remitted to respondent no.3 to take a fresh decision in terms of the observations and directions of this Court in paragraphs 24 and 25 of the judgment dated 06.03.2019 passed in CWJC No.20035 of 2018.



This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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