

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2042 of 2020

=====

M/s J.K.M. Infra Projects Limited a Company registered under the Companies Act having its registered Office at C-84, Greater Kailash Part-1, New Delhi-110048 and Its Regional Office at Flat No.403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna-800001 (Bihar) through its authorized Signatory Mr. Ashish Jalan aged about 49 Years, Son of Late Mahavir Prasad Jalan, Presently Posted as D.G.M., Finance, J.K.M. Infra Projects, at Flat No. 403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna-800001, Bihar Permanent Resident of Uttar Mahal, Robertsganj, Sonbhadra, Police Station-Robertsganj, District-Sonbhadra, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department,
2. The Principal Secretary, Rural Works Department, Government of Bihar.
3. The Engineer in Chief, Works Department, Government of Bihar, Patna.
4. The Chief Engineer, Rural Works Department, Bihar.
5. The Superintending Engineer, Rural Works Department, Work Division, Bihar.
6. The Executive Engineer, Rural Works Department, Work Division, Sasaram, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
		Mr. Rajeev Shekhar, Advocate
For the Respondent/s	:	Mr. Ajay (GA-5)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 09-06-2020

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner and Mr. Ajay, learned Government Advocate on behalf of the respondents.

It appears from the records that the petitioner/firm had preferred this petition in the event of a



notice having been served upon it for initiating a proceeding for blacklisting the firm because of it not having completed the work within the scheduled time. During the pendency of the writ petition, an order of blacklisting was passed, preventing the petitioner/firm from participating in any Government contract for ten years. The aforesaid order has been brought on record by way of Interlocutory Application No. 1 of 2020.

Mr. Sanjeev Kumar, the learned counsel for the petitioner has taken this Court to the order blacklisting the petitioner and has submitted that despite a clear explanation offered in his representation about the reason for delay in executing the work and which delay was not within control of the petitioner, the order has been passed without adverting to those reasons and without giving any additional reason whatsoever.

The perusal of the order clearly reflects that though the representation of the petitioner was adverted to but no reason has been assigned for rejecting the plea of



the petitioner. An order can be sustained in the eyes of law only if it is supported by reasons which are such that an onlooker understands the logic behind rejection of the plea of the petitioner. Merely stating that the grounds raised in the petition are not worth accepting, is no reason at all.

However, considering all the relevant and attendant facts available in this case, this Court is of the view that the issues, which though have been adverted to by the Engineer-in-Chief, Rural Works Department, Government of Bihar, but no categorical reasons have been recorded in the order of blacklisting, could be agitated before the Secretary of the department by way of an appeal. This is being provided for by this Court so as to lessen/shorten the time spent in litigation between the parties.

This Court, therefore, provides that in the event of the petitioner filing a suitable representation/appeal before the appellate authority, who is the Secretary of the department, within a period of one week week from today,



the same shall be looked into in correct perspective and shall be disposed of by a reasoned order within a period of four weeks thereafter, and the decision shall be communicated to the petitioner forthwith. If it is possible to afford the petitioner an opportunity of hearing, the appellate authority shall consider that request also.

In the meantime, the petitioner shall not be put to any disadvantage for his firm having been blacklisted.

With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.06.2020
Transmission Date	

