

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5378 of 2019

Manish Kumar, son of Upendra Thakur, resident of Village & Post-Madhual,
P.S.- Saraiya, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Bihar, Patna.
2. The General Manager(north), Bihar State building Construction Corporation Limited Bihar, Patna.
3. The Deputy General Manager (Saran) Bihar State Building Construction Corporation Limited, Saran, Chapra.
4. The Deputy General Manager, Bihar State Building Construction Corporation Limited, Project Implementation Unit, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sushil Kumar (GP-22)
For the Corporation	:	Mr. Tej Bahadur Singh, Sr. Advocate
		Mr. B.S. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 03-02-2020 A supplementary affidavit has been filed during

the course of argument. Let it be taken on record.

The petitioner was entrusted with the task of constructing working standard laboratory building, Chapra, which construction had to be completed within a period of nine months to be counted from the date the work order was issued. Despite the respondents making available to the petitioner the land for him to start the



construction, the work was not started in right earnest. Several reminders were issued to the petitioner but to no avail. Even after a lapse of many months, the petitioner, before he was debarred from undertaking any work from the concerned department, had only taken the construction to the plinth level, whereafter he stopped working. This was challenged by the petitioner on the ground of no notice having been served upon him.

During the pendency of this writ petition, the petitioner was further blacklisted for three years.

From the perusal of the supplementary affidavit of respondent No. 3, it becomes very clear that the petitioner is to be faulted for the delay in conclusion of the project for which there is no satisfactory explanation.

A contractor/concessionaire cannot be allowed to keep such project pending for no fault of the respondents. There is every justification for passing an order of debarment against the petitioner and blacklisting him for three years.



However, as this Court has been informed by Mr. Tej Bahadur Singh, learned senior advocate appearing for the respondent No. 3 that the petitioner has been permitted to complete the work even though the time limit for completing the construction work has exceeded beyond the limits, learned counsel for the petitioner does not press this petition so as to enable the petitioner to complete the work within the stipulated period to be indicated by respondent No. 3 within a period of one week.

The petition is dismissed as withdrawn with the liberty to the petitioner to complete the construction work within the period so indicated as aforesaid.

(Ashutosh Kumar, J)

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