

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6568 of 2020

=====

M/s Sincon Infrastructure Pvt Ltd, a Company Incorporated Under the Indian Companies Act, 1956 having its Registered Office at UF-1 to 6, Majestic Plaza, West Boring Canal Road, Patna-1, through One of its Director Sri Vishal Kumar, aged about 41 Years (Male), Son of Sri Kartik Kumar, resident of Majestic Plaza, West Boring Canal Road, Patna-1.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, North Bihar Wing, Road Construction Department, Government of Bihar, Patna.
5. The Superintending Engineer, Road Construction Department, Road Circle, Saharsa.
6. The Executive Engineer, Road Construction Department, Road Division, Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr Raj Kishore Prasad, Advocate
For the Respondent/s	:	Mr Manoj Kr Ambastha, SC XXVI

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-07-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.



Heard learned counsel for the petitioner and the learned counsel for the respondents.

Mr Raj Kishore Prasad appearing for the petitioner submits that within three months, the petitioner is sanguine that the performance will come upto expectation of the Authorities and that after three months, he would be approaching them for reconsidering the order of debarment dated 02.06.2020 (Annexure 8).

However, he submits that this Court should stay the order of debarment since the issue is to be considered by the Authorities after three months.

It is trite law that forum of the Writ Court cannot be invoked for giving interim relief as the only and final relief to the litigant. In this connection, this Court would consider it useful to quote paragraphs 22 and 23 from decision of the Apex Court in the case of ***Kalabharati Advertising -Versus- Hemant Vimalnath Narichania & Others, (2010) 9 Supreme Court Cases 437.***

“22. It is a settled legal proposition that the forum of the writ court cannot be used for the purpose of giving interim relief as the only and the final relief to any litigant. If the court comes to the conclusion that the matter requires adjudication by some other appropriate forum and relegates the said party to that forum, it should not grant any



interim relief in favour of such a litigant for an interregnum period till the said party approaches the alternative forum and obtains interim relief.

23. It is settled proposition that an order of withdrawal of a suit does not amount to a decree of the court, which can be executed.”

The issue is yet to be considered by the Authorities, subject to further performance of contract by the petitioner. This Court, having regard to submission made by petitioner’s counsel and considering the law in this regard, as noticed above, is not inclined to grant any stay in favour of the petitioner.

The Authorities would be free to examine the petitioner’s claim in accordance with law.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

