

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.6668 of 2020**

Bharti Waters Pvt. Ltd. having its registered office at M-4 B, Aradhana Bhawan, Azadpur Commercial Complex, P.S. Adarsh Nagar, District Delhi- 110033, through its General Manager namely Kunal Kumar, aged about 30 Years, (Male), Son of Shri B.D. Sharma.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief Cum Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Design Public Health Engineering Department, Govt. of Bihar, Patna.
5. The Chief Engineer (Zonal), Public Health Engineering Zone, Purnea, Bihar.
6. The Chief Engineer (Nationality), Public Health Engineering Department, Govt. of Bihar, Patna.
7. The Superintending Engineer, Public Health Engineering Circle, Purnea, Bihar.
8. The Executive Engineer, Public Health Engineering Division, Katihar, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.P.K. Shahi, Sr. Advocate
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 22-09-2020 Heard Mr. P.K. Shahi, learned Senior Counsel for the

Petitioner and Mr. Arvind Ujjwal, learned SC-4 on behalf of the

State.

Petitioner in the present case is seeking the following



reliefs:-

“I. For quashing of office order no. 22 contained in Memo No. 1505 dated 15.04.2020 issued by the Executive Engineer, Public Health Division, Katihar whereby and where under petitioner’s agreement being SBD No. 2/2018-19 “for execution of the Design, Construction, Supply, Testing, commissioning of water supply schemes with electric driven Pumps and Iron Removal Treatment Plant having technology (Adsorption/Nano Technology) of CSIR or certified by CSIR or any other technology endorsed/approved by GoI in the iron affected Habitation/Wards of Districts of Bihar on turn-key basis within 3 months Trial run after commissioning and comprehensive operation and maintenance of 60 months after successful completion of Trial Run Period Under Mukhya Mantri Nishchay Yojna (Quality Affected) on turn Key Basis under P.H. Division, Katihar”, has been cancelled and security money has been forfeited.

II. For further direction to respondent authorities to allow the petitioner to complete the work pursuant to agreement being SBD No. 02/2018-19 and make him payment in accordance with terms and condition of the agreement.

III. For any other relief/reliefs for which the petitioner is found entitled to.”

At the outset, learned Arvind Ujjwal, learned SC-4 has informed this court that a similar matter between the same parties had come up for consideration before learned coordinate Bench of this in CWJC No. 6378 of 2020, and while considering an identical relief prayed on behalf of the petitioner, learned coordinate Bench has passed order dated 24.08.2020 in the following terms:

“...It would only be fair if the petitioner be given an opportunity of explaining his cause for non-completion of the work within the stipulated time (extended time) and evaluating such explanation for taking a final decision in the matter. While



observing this, the Court has taken note of the fact that the process of finalizing the tender with a third party for unfinished work has not yet been concluded.

The Court also takes note of the submission raised on behalf of the petitioner / company that the petitioner, if allowed to continue with the unfinished work, would finish the work within the time which would be stipulated by the respondents.

In that event, this alternative course would incur lesser expenses on the Exchequer.

The petitioner therefore is directed to submit his explanation afresh to the Executive Engineer, Public Health Division, Katihar within a period of three weeks, which shall be received by the concerned respondent (Respondent No. 8), who shall evaluate such explanation in proper perspective and shall pass an order in speaking terms, which shall be communicated to the petitioner. This exercise shall be completed within a period of two weeks from the date of receipt of such explanation by the petitioner. It is expected that before the same is done, the process of finalizing the contract / agreement with any third party for the unfinished work shall not be taken. Any further delay on the part of the petitioner to furnish his explanation or on the part of the concerned respondent in passing a final order on such explanation shall be viewed adversely as it would affect the timely completion of a public work which would otherwise benefit the people of this State.

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

Mr. Arvind Ujjwal, learned SC-4 has thus submitted that this writ application may also be disposed off in same terms. Mr. P.K. Shahi, learned Senior Counsel for the petitioner agrees with the statement of Mr. Arvind Ujjwal, learned Advocate.

Thus, in the nature of the submissions made on behalf of the parties, this Writ Application is being disposed off in



similar terms as has been done by learned coordinate Bench of this Court in CWJC No. 6378 of 2020 with only modification that in the context of this case the three weeks time shall commence from today.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

