

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.78 of 2020

In
Civil Writ Jurisdiction Case No.6224 of 2020

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M/s Lal Babu Roy Proprietorship firm having its registered Office at Village and P.O.-Bahgwanpur, Colony-Nandpuri, P.S.-Sadar, District-Muzaffarpur, Bihar-842001, through its Proprietor namely Sri Lal Babu Roy, aged about 54 Years (Male), Son of Hira Roy, resident at Village and P.O.-Bahgwanpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
4. The Deputy Development Commissioner-Cum-Chief Executive Officer, Sitamarhi.
5. The Chief Engineer-III, Rural Works Department, Government of Bihar, Patna.
6. The Superintendent Engineer, Rural Works Department, Work Circle, Sitamarhi.
7. The Executive Engineer, Rural Works Department, Work Division Belsand, Sitamarhi.
8. The Technical Bid Committee, represented through the Superintendent Engineer, Rural Works Department, Work Circle, Sitamarhi.
9. M/s R.S. Construction having its registered office at Swami Sahjanand Colony, P.O.-Bahgwanpur, District-Muzaffarpur, Bihar-842001, through its Partner Namely Sri Sanjay Sharma, Son of Sukhdev Sharma, resident at Swami Sahjanand Colony, P.O.-Bahgwanpur, District-Muzaffarpur, Bihar-842001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashish Giri
For the Opposite Party/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic,



requiring social distancing.

The learned counsel for the petitioner has sought review of the judgment dated 13.07.2020 passed in CWJC No.6224 of 2020 to the extent that the petitioner be granted liberty to challenge the debarment order dated 27.06.2016, issued under the signature of the Engineer-in-chief, Rural Works Department, Government of Bihar, Patna.

It is submitted by the learned counsel for the petitioner that though the writ petition had been filed primarily challenging the decision of the Technical Bid Committee dated 12.06.2020 whereby and whereunder the tender of the petitioner pertaining to package no. BR33P2R-05 had been held to be unsuccessful, but the petitioner had also inadvertently made a prayer in the aforesaid writ petition for quashing the order of debarment dated 27.06.2016, although the same had scant connection with the substantive subject matter of the writ petition, resulting in the said issue having not been dealt with in the judgment under review dated 13.07.2020. In such view of the matter it is submitted that the petitioner be granted liberty to at least challenge the said debarment order dated 27.06.2016, by way of a fresh writ petition, otherwise grave prejudice will be caused to the petitioner.



The learned counsel for the State has got no objection.

This Court finds that since no prejudice would be caused to the private respondent no. 9, in case liberty is granted to the petitioner to challenge the debarment order dated 27.06.2016, it is not necessary to issue notice to the private respondent no. 9.

Accordingly, the present review petition stands disposed of as not pressed, however, with liberty to the petitioner to challenge the aforesaid order of debarment dated 27.06.2016, in accordance with law.

(Mohit Kumar Shah, J)

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