

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7298 of 2020

=====

M/s Surendra Prasad & Co. through its partner Anup Kumar, aged about 54 years, male, S/o Late Surendra Prasad, resident of Village/Mohalla-Anandpura, P.O.- Kadirganj, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Building Construction Department, Government of Bihar, Patna.
2. The Principal Secretary Building Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.

For the State : Mr. Manoj Kumar Ambastha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 18-09-2020

Heard Mr. P.K. Shahi, learned Senior Advocate
for the petitioner and Mr. Manoj Kumar Ambastha, learned
counsel for the State.

2. This is an application seeking quashing of the
order dated 10.08.2020 issued under the signature of



respondent No. 3 (Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar, Patna), whereby the licence of the petitioner's construction company has been suspended for six months.

3. The sole contention raised on behalf of the petitioner is that with respect to a tender which was allotted to the petitioner some times in the year 2014, the present order has been passed on the pretext of the petitioner having suppressed certain material facts at the time of his selection as a concessionaire.

4. It was submitted by Mr. Shahi, learned Senior Advocate, that the Evaluation Committee had accepted the explanation of the petitioner in the first instance, but the Departmental Secretary disagreed with such acceptance and the matter was directed to be decided afresh.

5. Pursuant to the aforesaid decision of the Departmental Secretary, a fresh decision was taken by the Committee, suspending the licence of the petitioner for six months.



6. Mr. Shahi, learned Senior Advocate has contended that before such a decision could have been taken, the petitioner was mandatorily required to be noticed and the order ought to have disclosed the reasons for suspending the licence of the petitioner.

7. However, Mr. Ambastha, learned counsel for the State has pointed out that on the first occasion when this matter was entertained by this Court, the petitioner had already preferred an appeal before the Departmental Secretary, which fact was not stated in petition.

8. Be that as it may, today, the learned counsel for the State has informed this Court that on account of the pendency of this writ petition, the Departmental Secretary has not passed any order in such appeal and has disposed it off on the ground of the pendency of the present writ petition.

9. Considering the aforesaid submissions made on behalf of the parties, the order passed by the Departmental Secretary, referred to above, is set-aside.

10. The matter is referred to the Departmental



Secretary for writing out a fresh order after hearing the petitioner. The order, needless to state, has to be a reasoned order and it should be passed within a period of four weeks from the date of receipt/production of a copy of this order.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.09.2020
Transmission Date	N/A

