

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12823 of 2019**

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SRMB Srijan Private Limited having its Registered and Corporate Office at SRMB House, 7, Khetra Das Lane, Kolkata-700012 through its Senior D.G.M. (Marketing) namely, Satadal Chatterjee (Male), Aged about 46 years, S/o Sri Asoke Chatterjee, resident of 12K/1A, Parik Para Row, Belgachia, P.s.- Chitpur, Distt.- Kilkata (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
2. The Schedule of Rate Committee, Govt. of Bihar, Patna through its Convener.
3. The Engineer-in-Chief, Schedule of Rate Committee, Govt. of Bihar, Patna
4. The Engineer-in-Chief, Water Resources Department, Govt. of Bihar, Patna
5. The Engineer-in-Chief, Minor Water Resources Department, Govt. of Bihar, Patna.
6. The Engineer-in-Chief, Building Construction Department, Govt. of Bihar, Patna.
7. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna
8. The Engineer-in-Chief, PHED, Govt. of Bihar, Patna
9. The Engineer-in-Chief, Technical Testing Vigilance Department, Govt. of Bihar, Patna
10. The Superintending Engineer, Road Construction Department, Govt. of Bihar, Patna
11. The Chief Engineer, Bihar State Power Holding Company Limited, Patna
12. The Union of India through Secretary, Ministry of Steel, Govt. of India, New Delhi
13. The Department of Steel, through its Secretary, Govt. of India, New Delhi.
14. The Department of Road, Transport and Highways through its Secretary, Govt. of India, New Delhi.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. P.K. Shahi, Sr. Advocate<br>Mr. Awadhes Kumar Pandey, Advocate<br>Mr. Chandra Shekhar Singh, Advocate |
| For the State        | : | Mr. Uday Shankar Saran Singh, GP-19<br>Mr. R.K. Chandram, AC to GP-19                                     |
| For the U.O.I        | : | Mr. Kumar Priya Ranjan, C.G.C.                                                                            |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**  
**Date : 04-02-2020**

Heard Mr. P.K. Shahi, learned senior advocate for the petitioner/company and Mr. Rakesh Kumar Chandram for the State. The counsel for the Union of India has also rendered his assistance.

The petitioner/company has not been listed by the Schedule of Rate Committee (in short S.O.R Committee) constituted under the aegis of Road Construction Department from which steel could be procured for construction work.

Prior to the S.O.R Committee listing of companies dealing in steel, the specific requirement under the guidelines issued by the Ministry of Steel was that primacy has to be given to primary producers of steel and not secondary producers who re-rolled the steel billets.

It is the case of the petitioner/company that it is the primary producer of steel and that the



aforenoted classification of steel companies by the Ministry of Steel has now been withdrawn and the only specification now for procuring steel from any such company is that it should conform to the B.I.S standard. The product of the petitioner/company conforms to B.I.S standard.

For reasons which are inexplicable to the petitioner/company, the list which has been prepared by the State Level Schedule of Rate Committee, Government of Bihar through its convener does not include the name of the firm of the petitioner.

In the first counter affidavit, it has been submitted that because of the petitioner/company not being found to be a primary producer of steel which according to the guidelines of the Ministry of Steel is an important factor to be taken into account for procuring steel from such companies, the name of the petitioner/company was not included in such list.

Mr. Shahi, learned senior advocate for the



petitioner/company submits that this reasoning is fallacious as the classification by the Ministry of Steel stands withdrawn.

In the second counter affidavit, another reason has been given viz. that the petitioner/company did not supply relevant information for it to be considered as a viable company from which steel could be procured for any construction work under the Road Construction Department.

This also, it has been argued does not appear to be correct as no reason has been assigned for not listing the petitioner's firm even though in the past the petitioner/company had been chosen for procuring steel by various government and non-government companies and the quality of steel furnished/supplied by the petitioner/company has not been found wanting in any respect.

As noted above, it has been reiterated that



the product of the petitioner/company conforms to the B.I.S standard.

The petitioner/company appears to have been overlooked for reasons which are not convincing.

This Court therefore provides that in case an authorized representative of the petitioner/company represents before the Schedule of Rate Committee (S.O.R Committee) within a period of three weeks, annexing a copy of this order, the grounds raised therein shall be considered for the purposes of taking a fresh decision for including the petitioner in such list of companies from which steel could be procured in any government construction. A reasoned decision would be required to be given by the Committee and such decision shall be communicated to the petitioner/company. If the claim of the petitioner/company is found to be tenable, necessary decisions in that regard also would be required to be taken by the Committee. This exercise must be completed within a



period of eight weeks of the receipt of such representation.

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

**(Ashutosh Kumar, J)**

Shageer/-

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