

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25634 of 2019

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Aarpee Infra Projects (P) Ltd, a company registered under the Companies Act, having its Registered Office at 606, Akashdeep Building, 26, Barakhamba Lane, Barakhamba Road, New Delhi through its Authorized Signatory Subodh Kumar Singh, (aged about 44 years) (Male) son of Sri Jeet Narayan Singh, resident of Sirkohiya, P.S. Jaintpur, Dist. Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, Department of Road Construction, Visheshwaria Bhavan, Bihar, Patna through its Principal Secretary.
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Visheshwaria Bhavan, Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Department of Road Construction, Government of Bihar, Visheshwaria Bhavan, Bihar, Patna.
4. The Chief Engineer, North Bihar Wing, Department of Road Construction, Government of Bihar, Patna.
5. The Executive Engineer, Department of Road Construction, Road Division, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Alok Kumar Agrawal, Advocate Mrs. Priya Gupta, Advocate
For the State	:	Mr. Ravi Bhardwaj, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 13-01-2020

The petitioner, a private limited company which undertakes execution of work contract in various States including the State of Bihar is aggrieved by the order dated 29th of November, 2019 passed by the Engineer-in-Chief, Road Construction Department, Government of



Bihar, Patna whereby the representation of the petitioner with respect to the notice issued to him for non-execution of the contract work in accordance with the manifest has been rejected and the petitioner's firm has been suspended for two years for participating in any government contract with the respondent/Road Construction Department.

2. The major ground of challenge by the petitioner is that the order does not state any reason for rejecting the representation of the petitioner. All that can be garnered from the order is that the execution of the work entrusted to the petitioner was completed but only beyond the stipulated date for which notice was issued to him. The notice, in the first instance, was not responded to but was later answered by furnishing of the reply on behalf of the petitioner which has not been found to be acceptable by the respondent Engineer-in-Chief, Department of Road Construction.

3. As noted above, why that decision has been



taken has not been specified.

4. The order therefore is absolutely uninformed which does not lead this Court to anywhere. Otherwise also, for an order to be sustained in the eyes of law, it is required to be laced with reasons.

5. For the order to be absolutely without reason, this Court has no difficulty in holding it to be wholly unsustainable.

6. The order therefore is set aside.

7. The matter is remitted to the Engineer-in-Chief, Department of Road Construction, Government of Bihar, Patna (respondent No. 3) who shall pass a fresh order in accordance with law with reasons within a period of six weeks of the production of a copy of this order. The order passed by the concerned respondent shall be communicated to the petitioner forthwith.

8. Before concluding, it was brought to the notice of this Court that during the pendency of this writ petition, a tender was issued by the respondent/Road



Construction Department with respect to work in a different district, not at all connected with the work which was entrusted to the petitioner and for late completion of which, he was suspended for two years. In the aforesaid tender, even though the petitioner participated and his tender papers were held to be responsive to the technical requirement, he has been ousted. The petitioner therefore prays that company's interest be protected and he be allowed to continue with the work for which fresh tender has been issued by the Road Construction Department.

9. The aforesaid prayer made on behalf of the petitioner by way of I.A. No. 1/2019 is absolutely misconceived as the fresh tender is with respect to another work. The earlier dispute was with respect to a tender where the petitioner was made the concessionaire about several years ago. Even though the petitioner has been found to be technically responsive to the new tender, he does not get a right to be selected as a



concessionaire. Thus, such a prayer made by the petitioner is outrightly rejected.

10. Since a fresh order on the representation of the petitioner is to be passed by the respondent/Engineer-in-Chief, Road Construction Department, the order which has been quashed will not adversely affect the case of the petitioner in the interregnum.

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

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20/01/2020
Transmission Date	N/A

