

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.198 of 2020

In
Civil Writ Jurisdiction Case No.14964 of 2019

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Kumari Himani wife of Prashant Kumar present Executive Officer, Nagar Parishad, Sasaram, P.S.- Sasaram (T), District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, New Secretariat, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. Standing Committee, Nagar Parishad, Sasaram, through its Chairman.
..Respondent 1st set
4. M/s Supreme Enterprises, a Company having its registered Office at E05 Ashok Nagar, Road No. 14 (B), Kankarbagh, Patna, Bihar through its Authorized Representative Mr. Hars Vardhan Singh.

... .. Respondent 2nd set

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Appearance :

For the Appellant/s	:	Mr. Sudama Singh, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (Aag7) Mr. Gopal Krishna Agrawal Mr. Kumar Ravish, Advocates
For respondent no.4	:	Mr. Mrigank Mauli, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 08-09-2021

I.A. No.1 of 2021:

This interlocutory application has been filed by the appellant for condoning the delay of 72 days in preferring the present LPA.

For the reasons, as stated in aforesaid interlocutory

application, the delay in preferring the present LPA is condoned.

I.A. No. 1 of 2021 stands allowed.

LPA No.198 of 2020:

Heard learned counsel for the parties.

Being aggrieved by judgement and order dated 15.11.2019 passed in C.W.J.C. No.14964/2019 passed by learned Single Judge of this Hon'ble Court, appellant has preferred this L.P.A.

Briefly stated the facts of the case is that respondent no.4 was awarded contract for supply of desilting machine and dump tank being the lowest bidder and work order dated 21.3.2016 was issued for supply of the machines and in pursuance of which, he purchased the machinery, however, on 25.10.2017, the Executive Officer, Nagar Parishad, Sasaram terminated the work order without issuing any show cause or assigning any reason, against which, respondent no. 4 represented and on 25.4.2018, the Empowered Standing Committee called a meeting and a decision was taken to revive the work order and said decision was approved by the Board in its meeting on 18.06.2018.

After hearing both the parties, learned Single Judge in the operative part of the order has held as follows:-

“In the opinion of this Court, once the Board has

approved the decision of the Empowered Standing Committee to revive the work order, the Executive Officer of the Nagar Parishad, Sasaram had unnecessarily delayed the execution of the order of the Board by sitting over the matter. He has taken a plea with reference to Annexure 'A' to the counter affidavit but the perusal of the Annexure 'A' does not inspire much confidence with the reasons shown by the Executive Officer, Nagar Parishad, Sasaram. It is not disputed that the petitioner happened to be the lowest bidder and for that reason he was declared successful and a work order was issued in his favour. Execution of agreement is now a mere formality which has to be completed and the Executive Officer, Nagar Parishad should have proceeded to call upon the petitioner to execute the agreement. There is no reason as to why he/she would call upon the Chairman of the Nagar Parishad to revisit the revival order for insignificant reasons when work order had already been issued earlier and revival order has been consciously taken by the Empowered Standing Committee and approved by the Board.

In the aforesaid view of the matter, both the writ applications are hereby allowed. The Executive Officer, Nagar Parishad, Sasaram (Respondent No. 3) is directed to issue necessary revival order and after restoring the work order of the petitioner he/she would call upon the petitioner to execute the agreement which the petitioner will do without any delay. Respondent No. 3 shall complete all these formalities within a

period of 30 days from the date of receipt/production of a copy of this order Respondent No. 3 shall proceed to give effect to the work order and the agreement and take delivery as per the work order.

Both the writ applications are, thus, disposed off with the aforesaid directions.”

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

The LPA is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2021
Transmission Date	NA