

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10539 of 2021

- =====
1. M/s Egis India Consulting Engineers Pvt. Ltd. a company registered under the Companies Act 1956/2013 Having its registered office at _ T 305, TF, Tirupati Plaza, Sector XI, (MLU)_Pocket 4, Plot No. 11, Dwarka, New Delhi- 110075. Also at Plot No. 66, Sector 32, S/DIV Gurugram Haryana _ Through its Aurtherised Representative Mr. Ashwini Kumar, (Male) Aged about 32 years S/o Kameshwar Prasad _ R/o 56, Sardar Patel Colony, near SanichraAsthana, Sandalpur Road No. 3 PO Mahendru, P.S. Sultanganj, District - Patna, Bihar - 800006.
 2. M/s Egis International S.A.S. a company incorporated under the laws of France Having its registered office at -T 305, TF, Tirupati Plaza, Sector XI, (MLU) Pocket _ 4, Plot No. 11, Dwarka, New Delhi - 110075, Through its Authorised Representative Mr. Ashwini Kumar, (Male) Aged about 32 years S/o Kameshwar Prasad R/o 56, Sardar Patel Colony, near SanichraAsthana, Sandalpur Road No. 3, P.O.- Mahendru, P.S.- Sultanganj, District - Patna, Bihar - 800006.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Bihar State Road Development Corporation Ltd Through its Managing Director, Central Mechanical Workshop Campus, Near Airport, Sheikhpura, Patna.
4. The Managing Director, Bihar State Road Development Corporation Ltd., Patna.
5. The Chief General Manager, Bihar State Road Development Corporation Ltd, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. P K Shahi, Senior Advocate with Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. Uday Shankar Sharan Singh, GP 19 with Mr. Uday Bhanu Singh, AC to GP 19
For the BSRDCL	:	Mr. Lalit Kishore, Senior Advocate with Mr. Manish Dhari Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-06-2021

The matter has been heard *via* video conferencing.



2. Heard Mr. P K Shahi, learned senior counsel along with Mr. Brisketu Sharan Pandey, learned counsel for the petitioners; Mr. Uday Shankar Sharan Singh, learned GP 19 along with Mr. Uday Bhanu Singh, learned AC to GP 19 for the State and Mr. Lalit Kishore, learned senior counsel along with Mr. Manish Dhari Singh, learned counsel for the Bihar State Road Development Corporation Ltd. (BSRDCL).

3. The petitioners have moved the Court for the following reliefs:

- 'a. For quashing and setting aside the debarment order issued vide letter BSRDC Ltd.3384/2020-1180 Patna dated 15.04.2021 issued under signature of the Chief General Manager (Respondent No. 5), as contained in **Annexure P1**, by which petitioners have been debarred from participating in all future tenders of the Respondent No. 5 in the most arbitrary manner, contrary to principles of natural justice, illegally as well as having without jurisdiction.*
- b. For declaring that the action of the Respondent No. 5 is arbitrary, malafide, malicious, colourable exercise of power, violation of principles of natural justice as well as without jurisdiction.*
- c. For further passing such an order or orders for which the petitioners are entitled under the law in the facts and circumstances of this case.'*

4. Learned senior counsel for the petitioners submitted that the order impugned has been passed visiting



them with serious civil consequences without giving any opportunity or show cause to explain, which is totally impermissible in law.

5. On a response sought by the Court on this short point, learned senior counsel for BSRDCL submitted that the matter be remanded to the author of the order dated 15.04.2021 (respondent no. 5), which is impugned in the present writ application (Annexure- P/1), for passing a fresh order.

6. Learned counsel for the petitioners readily agreed to the same. However, he submitted that the Court may indicate that opportunity of hearing, including personal hearing, be given before a fresh decision is taken by the respondent no. 5 in the matter.

7. In view of the aforesaid agreed position, the writ petition stands disposed off by setting aside the order dated 15.04.2021 issued by the respondent no. 5 under Letter No. BSRDC Ltd.3384/2020-1180, Patna. He shall pass a fresh order, in accordance with law, after giving an opportunity of hearing, including personal hearing, if so desired by the petitioners, within two months from today.

8. At this juncture, learned counsel submitted that the first day when the petitioners would appear before the



respondent no. 5 be indicated so that the matter is expedited and not left pending.

9. The Court finds substance in the suggestion.

10. Accordingly, as agreed between the parties, the petitioners shall appear before the respondent no. 5 at 11.00 AM in his office on 5th July, 2021. Upon doing so, the respondent no. 5 shall fix a date when he shall afford hearing to the petitioners and thereafter the matter shall be concluded within two months by the respondent no. 5 by passing a fresh order, in accordance with law.

11. It goes without saying that respondent no. 5 shall serve a formal show cause notice on the petitioners on the day of appearance so that they are able to reply.

12. The Court would clarify that it has not expressed any opinion on the merits of the matter.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

