

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.270 of 2020

In
Civil Writ Jurisdiction Case No.13670 of 2018

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Anand Consultants A Proprietary Firm through Rupesh Kumar Srivastava,
son of Late Anand Bihari Srivastava, resident of 157 C Patliputra Colony,
Near Tennis Court, Patna- 800013.

...Petitioner ... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries,
Government of Bihar, Patna.
2. Infrastructure Development Authority A Government of Bihar Undertaking
1st Floor, Udyog Bhawan, East of Gandhi Maidan, Patna- 800004.
3. The Managing Director, Infrastructure Development Authority, 1st Floor,
Udyog Bhawan, East of Gandhi Maidan, Patna- 800004.
4. The Director, Project and Implementation, Infrastructure Development
Authority, 1st Floor, Udyog Bhawan, East of Gandhi Maidan, Patna-
800004.
5. The Executive Engineer, Infrastructure Development Authority, 1st Floor,
Udyog Bhawan, East of Gandhi Maidan, Patna- 800004.

... Respondents ... Respondent/s

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Appearance :

For the Appellant/s :	Mr. Umesh Prasad Singh, Sr. Advocate Mr. Ranjeet Kumar, Mr. Kumar Saurav, Mr. Kundan Kumar, Advocates
For the Respondent/s :	Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-02-2021

Heard the parties.

Aggrieved by the judgment and order dated 14.08.2020
passed in C.W.J.C. No.13670 of 2018 passed by learned Single
Judge of this Court, dismissing the writ petition, the appellant
has preferred this appeal.



Appellant had challenged order No.217 dated 17.5.2018 as well as order no.18 dated 17.5.2018 passed by respondent no.4 which is a composite order, by which, agreement executed between Infrastructure Development Authority and the appellant firm was terminated and appellant firm was blacklisted for three years vide clause 11(ka) (ii) of the Bihar Contractors Registration Rules, 2007 and the earnest money deposited by the appellant firm was forfeited.

Earlier also, appellant had approached this Court by filing C.W.J.C. No.13601 of 2017 to quash office order no.20 dated 4.9.2017 by which agreement executed between Infrastructure Development Authority and the appellant firm was terminated and appellant firm was blacklisted and earnest money deposited was forfeited which was allowed by order dated 14.3.2018 passed by learned Single Judge of this Hon'ble Court and impugned order was quashed and the matter was remanded to Director (Project and Implementation) Infrastructure Development Authority (respondent no.4) to pass order afresh after considering the reply of appellant firm pursuant to the show cause notice before passing fresh orders in accordance with law and, thereafter, present order was passed by respondent no. 4 which is impugned in present proceedings.



It has been alleged by learned Sr. Counsel for the appellant that Director (Project and Implementation) Infrastructure Development Authority (respondent no.4) has abdicated his statutory function and mechanically passed the orders on the dictates of Managing Director, Infrastructure Development Authority (respondent no.3) and, as such, orders were vitiated as proceedings before the respondent no.4 was quasi judicial in nature and appeal against order passed by respondent no.4 lies before respondent no.3.

On such assertion being made, this Court called for the original records and found the allegations to be true and the draft order which was proposed to be passed by the Director (Project and Implementation) Infrastructure Development Authority, (respondent no.4) was sent for approval to respondent no.3, however, same was reversed by Managing Director, Infrastructure Development Authority (respondent no.3) and thereafter impugned order was passed by respondent no.4.

In facts and circumstances of present case, this Court is not inclined to interfere in the order by which agreement has been terminated, however, so far as order of blacklisting and forfeiture of earnest money is concerned, same is set aside and matter is remanded to the Director, (Project and



Implementation), Infrastructure Development Authority
(respondent no.4) to pass fresh order in accordance with law
within two months from the date of receipt/production of a copy
of order passed by this Court.

The LPA is disposed of.

Let the original records called for by this Court be
handed over to Mr. Vikash Kumar, learned SC 11.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2021
Transmission Date	NA

