

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15290 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 Authorised Representative Mr. Ashwini Kumar, (Male) Aged about 32 years S/o Kameshwar Prasad R/o 56, Sardar Patel Colony, near Sanichra Asthan, Sandalpur Road No. 3, P.O. Mahendru, P.S. Sultanganj, District - Patna, Bihar - 800006.
2. M/s Egis International S.A.S. 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, Through its Authorised Representative Mr. Ashwini Kumar, (Male) Aged about 32 years S/o Kameshwar Prasad R/o 56, Sardar Patel Colony, near Sanichra Asthan, 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, Sr. Adv. Mr.Brisketu Sharan Pandey, Adv.
For the Respondent/s	:	Mr. Lalit Kishore, Sr. Adv. Mr. Manish Dhari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 06-10-2021 The present writ petition has been filed
seeking the following reliefs:-

“a. For quashing and setting aside



the debarment order BSRDC Ltd. 3600/2021-2132/Patna dated 13.8.2021 issued under signature of the Chief General Manager (Respondent No. 5), as contained in Annexure P1, by which the petitioners have been debarred from participating in all future tenders of the Respondent No. 5 for further 150 days from passing date of the impugned order or till satisfaction of services whichever is earlier, 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.”

At the outset, the learned Senior Counsel, Sri



Lalit Kishore, assisted by Sri Manish Dhari Singh, Advocate, appearing for the Bihar State Road Development Corporation Limited, Patna, submits that since the contractor in question, who was being supervised by the petitioners, has now been granted extension of time up to the month of December, 2021 to show satisfactory performance of work, apparently, now the functioning of the petitioners would also require reconsideration by the respondent authority in view of the fact that the impugned order dated 13.8.2021 itself postulates that the debarment order is till the satisfaction of services to be performed by the petitioners / contractor in question, hence, it is submitted that the matter be remanded back to the respondent authority i.e. the Respondent No. 5 so that the performance of the supervisory/ consultant company i.e. the petitioners herein can be reviewed, in terms of Clause-20 of the GCC, which postulates- 'obligations of the consultant'.

I have considered the submissions made by the learned Senior Counsel for the Respondent-



Bihar State Road Development Corporation Limited as also the submissions made by the learned Senior Counsel for the petitioners, Sri P.K.Shahi, assisted by Sri Brisketu Sharan Pandey, Advocate, to the effect that though the petitioners are not averse to the idea of remand, but the only concern is that the Respondent No. 5 may act with an element of bias, hence, the matter be remanded to the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna i.e. the Respondent No. 2. At this juncture, the learned Senior Counsel for the Respondent-Corporation has categorically submitted before this Court that the Respondent No. 5 is not carrying any bias or prejudice as against the petitioners and would definitely exercise his independent and impartial mind, without being prejudiced by his earlier order dated 13.8.2021 as also shall objectively consider the progress made by the contractor in question and review the performance of the petitioners, who are the supervisory consultants, as per Clause-20 of the GCC.



Having regard to the facts and circumstances of the case and considering the submissions made by the Ld. Sr. Counsel for the parties, the present writ petition is being disposed of with the consent of the parties in the following terms. The order dated 13.8.2021, passed by the Respondent No. 5 is quashed and the matter is remanded back to the Respondent No. 5, for reconsideration, in order to enable him to review the entire aspect of the matter on account of the subsequent developments & changed circumstances, whereupon the petitioners shall be afforded, not only ample opportunity of hearing but also sufficient chance to put forth their point of view and then, if so warranted, the Respondent No. 5 shall pass appropriate orders, in accordance with law.

The writ petition stands disposed of.

(Mohit Kumar Shah, J)

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