

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17443 of 2021

Jai Mata Di Road Construction Pvt. Ltd. a company registered under the provisions of Companies Act and having its registered office at LIG 3/97, Hanuman Nagar, Kankarbagh, P.O. Lohia Nagar, P.S. Patrakar Nagar, District - Patna - 800020 represented through its authorized director namely Ranjit Kumar, male, aged about 45 years, son of Late Binay Kumar Singh, resident of village Sarasat, P.O. Sarasat, P.S. Naubatpur, District - Patna - 801109.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer in -Chief, Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, Rural Works Department, Works Division, Siwan - 2.
5. Bihar Medical Services and Infrastructure Corporation Ltd which is a government of Bihar undertaking through its Chief General Manager, 4th floor, BSBCCCL building, Hospital Road, Shashtri Nagar Patna.
6. The Road Construction Department, Government of Bihar, Patna through the Executive Engineer, West Division, Patna.
7. Bihar State Building Construction Corporation Limited through its Chief General Manager, Hospital Road, Shashtri Nagar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashish Giri, Advocate
For the Respondent/s	:	Mr.Kumar Alok (SC 7)
For BMSICL		Mr. Lalit Kishore, Sr. Advocate
		Mr. Vikash Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-12-2021

Petitioner has prayed for the following relief(s):



“i. To issue writ/order or direction in the nature of Certiorari for quashing order bearing No. 2037 dated 13.07.2021 issued under the signature of the Engineer in-Chief, Rural Works Department, Government of Bihar, Patna in terms of which petitioner has been declared defaulter and debarred from participating in any other tender in relation to the work provided at Serial No. 36, 37 and 38 therein.

ii. To hold and declare that the impugned order of debarment is in fact blacklisting for indefinite period without any show cause notice and hence violative of Article 14 and 19(1)(g) of the Constitution of India.

iii. To pass interim/ad-interim relief during the pendency of the present writ application directing the respondents to consider the bid of the petitioner pursuant to various NIT's as per annexure 9 without being influenced by the order of debarment and to consider its technical and financial bid accordingly and/or permit the petitioner to submit its bid in relation to other tenders without being influenced by the order of debarment and/or stay the operation of the impugned order of debarment dated 13.07.2021.

iv. To any other relief or reliefs for which the petitioners are found to be entitled in the facts and circumstances of the case.”

It is brought to our notice that the respondents



themselves have rectified the impugned order dated 13.07.2021, in reference to the petitioner, vide subsequent order dated 6th of October, 2021.

In this view of the matter, the petition could have been closed but for the fact that, as Shri Ashish Giri, learned counsel for the petitioner rightly invites our attention to the fact that the petitioner has participated in certain tenders, as stated in para 23 of the petition, and that he should not be precluded from participating therein, solely on the action taken vide communication dated 13th of July, 2021 (Annexure-5, page 41) whereby 68 parties were debarred from participating in future tenders. Insofar as the present petitioner is concerned, no reasons were assigned for the same. No notice prior thereto was ever issued, nor petitioner informed of the institution of the proceedings.

As such, on this short ground alone, while quashing the impugned order/communication dated 13.07.2021 (Annexure-5, page 41), insofar as the present petitioner is concerned, whose name stands referred to at serial Nos.36 and 37, we clarify that, more so in view of the respondents' subsequent order of rectification, that petitioner shall not be debarred from participating in the tender solely on the basis of



the said communication dated 13.07.2021.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

