

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12501 of 2021

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Tarun Kumar (male), aged about 32 years, son of Laxmi Dev, resident of Village – Madhopur, PS – Kotwali, District - Munger

... .. Petitioner/s

Versus

- 1 The State of Bihar through the Chief Secretary, Government of Bihar, Patna
- 2 The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
- 3 The Divisional Commissioner, Munger Division, Munger
- 4 The District Magistrate, Munger
- 5 The Municipal Commissioner, Munger Nagar Nigam, Munger
- 6 The Deputy Municipal Commissioner, Munger Nagar Nigam, Munger
- 7 The Executive Engineer, BUIDCO, Munger
- 8 The Assistant Engineer, Munger Nagar Nigam, Munger
- 9 The Junior Engineer, Munger Nagar Nigam, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Sanjeev Nikesh, Advocate
For the State	:	Mr Ravish Chandra, AC to SC VI
For the Corporation	:	Mr Anjani Kumar, Sr Advocate with Mr Amit Kumar Jha, Advocate

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CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 12-05-2022

Heard Mr Sanjeev Nikesh, learned counsel for the petitioner and Mr Anjani Kumar, learned senior counsel representing the Munger Municipal Corporation (for brevity, *the Corporation*).

2 The petitioner claims to be proprietor of a construction company, registered by the Rural Works Department. A work



order was issued by the Corporation to the petitioner for construction of a Conference Hall on 14.02.2020 (Annexure P/2). An agreement was also entered into between the petitioner and the Corporation for execution of the work. The work was to be completed by August, 2020.

3 As the petitioner failed to execute the work, a notice was issued to him on 29.05.2021 by the Municipal Commissioner, Munger whereby the petitioner was restrained from participating any bid of the contract on the allegation that the petitioner had not completed the work, assigned to him, within time. The said office order dated 29.05.2021 has been brought on record by way of Annexure P/8 to the writ application which is under challenge in the present writ petition. The said office order dated 29.05.2021 contains a note at bottom requiring the petitioner to complete the work allotted to him as early as possible failing which action would be initiated for termination of the agreement. Subsequent to issuance of the said office order dated 29.05.2021, the Municipal Commissioner has issued another show cause notice dated 09.06.2021 (Annexure P/9) asking the petitioner to explain as to why the agreement be not terminated and the petitioner be not blacklisted as he had failed to complete the work and had left behind debris of the construction near the work site which caused



serious hindrance in day-to-day work in the office of the Municipal Commissioner. The petitioner has put to challenge the said notice dated 09.06.2021 also in the present writ application. It is not known whether the petitioner has submitted any explanation in response to the said show cause notice dated 09.06.2021.

4 Mr Sanjeev Nikesh, learned counsel appearing on behalf of the petitioner has submitted that the petitioner had repeatedly informed the Corporation that because of the lock down arising out of COVID – 19 Pandemic, he was not able to complete the work within time. In such view of the matter, he contends that the impugned order dated 29.05.2021, debarring the petitioner from participating in future construction, is unsustainable and arbitrary. He has pointed out that the said order has been passed without duly considering the petitioner's earlier application relating to delay in completion of the work.

5 We do not find any reason to interfere with the impugned order dated 29.05.2021, on perusal of which it is evident that the petitioner was asked to complete the work which had failed to complete as soon as it was possible. It was indicated in the said order that if the petitioner failed to complete the work, steps would be taken to terminate the agreement. Apparently, since in the opinion of the Corporation, the petitioner failed to duly



execute the work, the Corporation decided to issue the said show cause notice dated 09.06.2021 for terminating the agreement and for blacklisting the petitioner. As has been noticed above, learned counsel for the petitioner is not in a position to state as to whether any explanation has been submitted pursuant to the said show cause notice dated 09.06.2021.

6 As the petitioner failed to submit his reply in response to the show cause notice dated 09.06.2021 seeking his explanation as to why the petitioner should not be blacklisted, we are not inclined to entertain this writ application.

7 This writ application, for the aforesaid reasons, is dismissed. No order as to costs.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2022
Transmission Date	NA

