

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10569 of 2019

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Ranjan Singh S/o Late Ram Babu singh Resident of Village Masadhi,P.O.
Masadhi,P.S. Gaurichak,Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The Bihar Industrial Area Development Authority through its Managing Director having Office at Ist Floor, Udyog Bhawan, East Gandhi Maidan, Patna-4
3. The Managing Director, The Bihar Industrial Area Development Authority having Office at Ist Floor, Udyog Bhawan, East Gandhi Maidan, Patna-4
4. The Executive Engineer, The Bihar Industrial Area Development Authority having Office at Ist Floor, Udyog Bhawan, East Gandhi Maidan, Patna-4

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate Mr. Abhiprav Singh, Advocate Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Subhash Prasad Singh, GA-3 Mr. Kumar Priya Ranjan, Advocate Mr. Girish Nandan Abhishek, Advocate Mr. Ankur Apurv Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-12-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- I. For issuance of an appropriate writ order/ direction(s) in the nature of *Certiorari* for quashing the office order dated 14.11.2014 bearing Memo No.- 6396 by the Executive Engineer, BIADA, Patna (*vide Annxure-16 to the present application*) whereby which the agreement dated 20.08.2014 had been



rescinded by the Respondent authority and further security deposit and guarantee had been forfeited and also had deprived the petitioner from participating from all tenders invited by the BIADA on the ground that the instant order had been passed without considering the representation filed by the petitioner and without proper evaluation of the work and also blacklisting the petitioner for unlimited period from participating in all the tenders proposed by the BIADA, Patna is itself contrary to the law.

- II. For issuance of an appropriate writ order/ direction(s) in the nature of *Certiorari* for quashing the letter dated 14.07.2015 issued by the Executive Engineer, BIADA, Patna (vide **Annexure-17 to the present application**) whereby it had been stated that owing to deformity in the completion of the work without giving any reasonable show cause, the agreement had been terminated vide office order dated 14.11.2014 bearing Memo No.-6396 and further security deposit had been forfeited and the petitioner had been blacklisted for unlimited period on the ground that the representation given by the petitioner had not been considered and the respondent authority in an arbitrary manner had forfeited the security deposit given by the petitioner and also had been blacklisted for unlimited period which is contrary to the settled principles of law.
- III. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of *Mandamus* to direct the Respondent authority to return the security deposit and earnest money as deposited by the petitioner.



- IV. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of *Mandamus* to direct the Respondent authority to make the payment for the work done by the petitioner in furtherance of the execution of the agreement.
- V. And pass any other order(s) or relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

In view of the law laid down by Hon'ble the Apex Court in **2013(4) PLJR 447 SC**, titled as **Kulja Industries Ltd. Vs. Chief Gen. Manager, W.T Project B.S.N.L**, and more specifically Paragraphs 26 and 27 thereof, considering the fact that petitioner has already suffered for more than eight years, we dispose of the present petition directing that the said order dated 07.11.2014 (Annexure-16 Page 68), whereby the petitioner stands blacklisted without indicating any period, has lost its efficacy and shall not be given effect to.



Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

