

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8874 of 2022

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Satyendra Kumar Construction Pvt. Ltd. having its registered office at 202, Hira Enclave, New Dak Bunglow Road, P.S. Kotwali, District Patna through its Director Deepak Kumar @ Dipak Kumar, aged about 41 years, Male, son of Sri Narayan Prasad, resident of Bhikhna Pahari, Opposite Patel Hostel, P.S. Pirbahore, District Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Bihar State Educational Infrastructure Development Corporation Ltd., (A Government of Bihar Undertaking), Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004 through its Managing Director.
5. The Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
6. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.
7. The Chief Consultant (Technical), Bihar State Educational Infrastructure Development Corporation Ltd., Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
For the State	:	Mr. Madhaw Prasad Yadav, GP 23
		Mr. Sanjay Kumar, AC to GP 23
For the BSEIDC	:	Mr. Girijish Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 02-08-2022 Heard learned counsel for the parties.

The petitioner is a Class-I Contractor registered under the Bihar Contractors Registration Rules, 2007 and carries on works for different Governmental organization in the State of Bihar. He executed agreement dated 08.03.2019 with the respondent i.e., District Institute of Education and Training for raising a school building at Fazalganj, Sasaram in the Rohtas District of Bihar for a total value of Rs. 12,91,29,942/-.

As per the agreement, the work was to be completed in 18 months. According to the petitioner, due to intervening pandemic, he sought extension. Twelve months extension was granted to him. However, the Executive Engineer vide his letter dated 11.06.2021, directed him to perform certain extra works. As per the petitioner, he completed the entire work and duly informed the Executive Engineer. The building was handed over to respondent on 13.08.2021. According to him, certificate in this regard was issued by the competent authority vide memo no. 174 dated 13.08.2021. However, on 06.05.2022, a show cause notice was issued by the Managing Director, BSEIDC to



the petitioner. The petitioner sent a reply rebutting all the allegations. However, the order dated 09.06.2022 was passed whereby forfeiture of an amount of Rs. 63,38,217/- was directed. By the said order, the petitioner was blacklisted from carrying further work for a period of 10 years.

The stand of the learned counsel for the respondents is that the decision was taken after careful consideration of the entire issue. Even notice has been issued to the officer who accepted the work and issued certificate.

Learned counsel for the petitioner has relied upon the judgments in the case of **M/s Sanjeev Kumar vs. State of Bihar & Ors.** reported in **2022(2) PLJR 161** and **Sharda Bhawani Infrastructure Private Limited vs. State of Bihar & Ors.** reported in **2022 (2) PLJR 608**.

As adjudication in the writ jurisdiction at this stage may not be possible besides the order dated 06.05.2022 appears to be non speaking in nature.

Thus, we dispose off the writ petition with liberty to the petitioner to file a representation. He shall be at liberty to rely upon the judgments in **M/s Sanjeev Kumar (supra)** and **Sharda Bhawani Infrastructure Private Limited (supra)**. The authority shall decide keeping in view entire facts and



circumstances of the case as well as law laid down by this Court within six weeks from the date of receipt of the representation.

In the eventuality, the authority comes to a contrary conclusion than arrived by the Managing Director, BSEIDC or even by himself, the orders passed earlier shall not stand in his way.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Dr. Anshuman, J)

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