

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13908 of 2021

=====

Mahesh Kumar Singh Son of Bharth Singh Resident of Kalpa, Police Station-
Jehanabad, District- Jehanabad, Bihar- 804408.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Patna.
2. The Deputy Chief Secretary, Road Construction Department, Patna.
3. The Engineer in Chief, Road Construction Department, Patna.
4. The Chief Engineer, North, Road Construction Department, Patna.
5. The Superintending Engineer, Road Construction Department, Road Circle, Darbhanga.
6. The Executive Engineer, Road Construction Department, Road Division, Darbhanga.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Advocate Mr. Puneet Siddhartha, Advocate Mr. Aryan Sinha, Advocate
For the Respondent/s	:	Mr. Ravi Kumar, Advocate Mr. Sushil Kumar (GP-22)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

10 02-02-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner is aggrieved by a communication dated 11.02.2021, whereby the petitioner's agreement No. 11 SBD of 2019-20 has been rescinded and the security deposit made by



the petitioner in terms of the said agreement has been forfeited. Letter No. 825 dated 11.06.2020 issued by respondent No. 6 is also under challenge whereby the petitioner has been debarred from participating in any tender process for a government project in future.

Mr. Amit Srivastava, learned Senior Counsel appearing on behalf of the petitioner has made two fold submissions. Firstly, he has submitted that the impugned decision to rescind the agreement is without any opportunity of hearing granted to the petitioner. Secondly, the decision to debar the petitioner from future government contract is for an indefinite period which is impermissible in view of catena of decisions of Supreme Court.

After some argument, learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner may be permitted to approach the authorities to satisfy them by making representation that the decision to rescind the contract was not proper in the facts and circumstances. He submits that, the petitioner is in a position to satisfy to authorities about the unreasonableness of the decision to rescind the contract, since the order of debarment is integrally connected with the said decision, he shall make appropriate



representation before the competent authority in that regard also.

Considering the facts and circumstances and submissions advanced on behalf of the petitioner as noted above, this application is disposed of with an observation that the petitioner shall be at liberty to make representation before appropriate authority in order to convince the said authority that the decisions to rescind the contract and to forfeit the security amount as also to debar the petitioner from future contract deserves to be recalled.

It is further observed that if any such representation is made within four weeks from today, the Court would expect the competent authority to take a decision by passing a reasoned and speaking order within one month thereafter.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

U			
---	--	--	--

