

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14000 of 2021

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M/s Rungta Enterprises, through its Proprietor Mahesh Kumar Rungta, aged about 57 years, Male, Son of Ramswarup Rungta, Resident of Tower 3, 11 G Southcity 375, Prince Anwar Shah Road Kolkata, Jodhpur Park, P.S. Park Street, Kolkata, West Bengal 700068.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Road Transport and Highway, Government of India, New Delhi.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, National Highway Division, Road Construction Department, Government of Bihar, Patna.
5. The Superintending Engineer, National Highway Circle, Road Construction Department, Bhagalpur, District Bhagalpur, Bihar.
6. The Executive Engineer, National Highway Division, Bhagalpur, District Bhagalpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Dr. K. N. Singh (GA 13)

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

(Per: HONOURABLE MR. JUSTICE DR. ANSHUMAN)

2 04-08-2022 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has challenged the *ex parte* order bearing Letter No. 455 dated 01.06.2013 whereby the respondent no. 6 had rescinded the agreement.

Learned counsel for the petitioner submits that no



show cause notice was served on him before taking this drastic action.

On a query being put to the learned counsel appearing for the respondent nos. 1 to 6, he does not controvert the fact that show cause notice was not served on the petitioner before the contract was rescinded.

Under the circumstances, we find the action of the respondents to be arbitrary and quash the same. The matter is remitted back to the Executive Engineer, National Highway Circle/Division, Road Construction Department, District-Bhagalpur, Bihar for examining the entire issue and if necessary, he would also issue show cause notice to the petitioner and thereafter take a decision afresh.

Under this circumstances, the writ petition is disposed of.

(Rajan Gupta, J)

(Dr. Anshuman, J)

Anjani/-

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