

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10590 of 2022

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Rishikesh Kumar S/o Sri Niwas Prasad Singh R/o- F.N.- 103, Kashyap S.L.D.
Apartment, Post and P.S.- Kankarbagh, Dist. Patna- 20.

... .. Petitioner/s

Versus

1. The State of Bihar through the Managing Director, Bihar Rajya Tourism Development Corporation Ltd. Sone Bhavan, R. Block, Patna.
2. The Chief Engineer, Bihar Rajya Tourism Development Corporation Ltd., Sone Bhavan, R. Block, Patna.
3. The Ex. Engineer, Bihar Rajya Tourism Development Corporation Ltd., Sone Bhavan, R. Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

Ms. Usha Kumari, Advocate

For the Respondent/s : Mr. Abhimanyu Pratap Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 12-08-2022

Heard learned counsel for the parties.

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



- i) For quashing the impugned order-15.06.2022 passed by the Executive Engineer, Bihar State Tourism Development Corporation Ltd. Patna by which he has rescinded the work agreement no-07 SBD of 17-18 dt-27.06.17 after completion of 99% work for construction of Rain Shelter at Dhani Bellari at Bhagalpur of Rs.4,89, 06,810 .00 within 18 months but worksite was made available on 22.11.2019 received on 03.12.2019.
- ii) Further for restraining the respondents from passing any further order debarring the petitioner taking advantage of the impugned order with respect to cancel the other tenders, which have been submitted earlier to the impugned order, and if during pendency of the writ any such order is passed then the Hon'ble court may hold the same as bad and illegal, as the petitioner has apprehension that the respondents under oblique motive to cause irreparable loss to the petitioner, and also to oblige the other contractors of their choice, such as the tenders submitted, The respondents are going to disqualify the petitioner's "e-tenders", which is patently illegal as any order may take effect prospectively and in any case the impugned order if may be found to be valid, even then, it may not be operated with retrospective effect, hence the impugned order is bad from all the corners of law, and fit to be quashed.
- iii) For granting any other relief's for which the petitioner be found entitled in the eye of law.

Shri Abhimanyu Pratap Singh, learned counsel who appears on behalf of Respondent No. 2, namely the Chief Engineer, Bihar Rajya Torsion Development Corporation Ltd., Sone Bhavan, R. Block, Patna and Respondent No. 3, namely the Ex. Engineer, Bihar Rajya Torsion Development Corporation Ltd., Sone Bhavan, R. Block, Patna states that post recession of the petitioner's contract, the work stood allotted to third party and the new contractor has also completed most of



the remaining work.

This statement is seriously disputed by Shri Shashi Bhushan Singh, learned counsel appearing for the petitioner.

Be that as it may, we are not inclined to issue notice in the present petition for the reason that petitioner has got alternative efficacious remedy by either resorting to the provisions of the Arbitration and Conciliation Act, 1996 or taking recourse to the provisions of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008.

As such, the present petition stands disposed of.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2022
Transmission Date	

