

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10673 of 2022

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M/s Rehanam Construction Pvt. Ltd. through its Managing Director, Md. Tashim, 314B, Ashoka Palace, Exhibition Road, Patna-1.

... .. Petitioner/s

Versus

1. The State of Bihar through Chairman cum Managing Director, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna-14.
2. The Chief Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna-14.
3. The Executive Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna-14.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

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

“I. For quashing the Debarment order no. 145(Anu.) dt. 21.05.2021 passed by the respondent no. 3, and confirmed by the Chief Engineer order no. H.O.-2159 dt. 16.07.21 despite the petitioner had completed 99% on 24.04.2019 as per the work status report of the Ex. Engineer and now handed over the total 100% work to the respondents. Hence the impugned debar order may be quashed.

II. For restraining the respondents for holding the impugned order to be influenced with malice and prejudiced to impose the others penalty as at one hand he will disqualify the bid and cancel the tender of petitioner company. Hence the impugned order is patently illegal, bad and influenced with malafide just to ruin the petitioner and cause hardship against mandates of Art. 19 of the Constitution of India.

III. For granting any other relief/relief for which the petitioner is entitle.”

Vide impugned order dated 21st of May, 2021 petitioner stands debarred from participating in other works of the respondent corporation, namely, Bihar Police Building Construction Corporation.

Perusal of the order indicates that the order passed is interregnum in nature awaiting passing of final order.

Learned counsel for the petitioner states that post issuance of impugned order dated 21st of May 2021 (Annexure-6 page 22), no other and further orders stands passed by the authority.

Under these circumstances, we dispose of the petition with the direction to respondent no. 3, namely, The Executive Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna-14 to pass final order accounting for all the circumstances, including the documents placed on record by the petitioner.

Needless to add, this he shall do strictly in accordance with law after affording opportunity of hearing to all concerned.

It is contended on behalf of the petitioner that 100% of the works stand completed and the spot handed over way back in July 2020 itself.

Be that as it may, we leave this question of fact open to be determined by the appropriate authority.

Should the petitioner feel aggrieved of the final order, which may passed by the authority, it shall be open for him to assail the same in accordance with law.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	