

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17359 of 2021

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M/S Ashoka Tubewell Boring Engineering and Construction Company,
through its Partner and Authorized Signatory Krishna Deo Saw, Having its
Registered Office at 07, Shivam Complex, Near Nalanda Medical College,
Daud Bigha, P.S.-Kankarbagh, Kankarbagh Road, Patna, Bihar-800026.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Bihar Urban Infrastructure Development Corporation Ltd., Patna
through its Managing Director.
4. The Managing Director, Bihar Urban Infrastructure Development
Corporation Ltd. Patna.
5. The Chief Engineer, Design, Planning and Monitoring, Urban Development
and Housing Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manindra Nath Tiwari, Advocate
For the Respondent/s : Mr. Kinkar Kumar (S.C. 9)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(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.)

Date : 25-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“A. For quashing of the order contained in
memo no. 7690 dated 10.11.2020 issued under
the signature of the Chief Engineer, Design,

Planning and Monitoring, Urban Development and Housing Department, Government of Bihar, Patna whereby the petitioner company has been blacklisted for one year in purported exercise of power under Rule-11 (ka)(vii) of Bihar Contractors Registration Rules, 2007 in erroneous and illegal manner.”

Learned counsel for the petitioner states that petitioner’s appeal is pending before the appellate authority and petitioner shall be content if a direction is issued for expeditious disposal of the same.

Learned counsel for the respondents states that appeal shall be considered and decided within a period of one month from the date of appearance of the petitioner before the Appellate Authority along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall make himself available before appellate authority **on 14th of February, 2022;**

(b) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of three months from the date of appearance of the petitioner before the Appellate Authority;

(g) Copy of the order passed by the Appellate Authority shall be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(i) We have not expressed any opinion on merits and all issues are left open;

(j) Liberty reserved to the petitioner to assail the order, before the appropriate forum, should the need so arise subsequently.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	