

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13641 of 2022

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D.B.S. Constructions Pvt. Ltd. having its Registered office at Tar Banglow More, Dehri on Sone, P.S. Dehri, District Rohtas, Bihar through its Director, Sunil Kumar Singh, aged about 60 years, male, son of Sri Daroga Singh, resident of Mohalla Samdika Nagar, P.S. Dehri, District Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna.
4. The Principal Quality Monitor, Rural Works Department, Bihar, Patna.
5. The Executive Engineer, Rural Works Division, Bikramganj, Rohtas, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.Kumar Alok, SC 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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 : 16-09-2022

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

“(i) Commanding upon the Respondents to forthwith Regrade the status of the petitioner and remove the name from this list of Contractors on account of the rectification of all the defects notified by the Inspection team and the submission of the Action Taken Report (ATR) dated



03.03.2020 certifying such rectification.

(ii) Seeking a declaration to the effect that the ATR generated vide ATR No. 2444 dated 27.12.2017 stands complied with and thus disposed of on account of the certification by the Principal Quality Monitor vide inspection report dated 03.03.2020;

(iii) Seeking a declaration to the effect that the directions contained in the Departmental Let5ter No. 251 dated 27.12.2017, would not operate retrospectively in connection with the Tenders/Agreement executed prior thereto or the Agreement which stands closed; and

(iv) Restraining the respondents from rejecting the Technical Bid of the petitioner on account of the pendency or for want of ATR during the pendency of the present writ application.”

Shri Prabhat Ranjan, learned counsel for the petitioner, states that petitioner has taken all remedial measures in rectifying the status of ATR, which is evident from Format-III dated 27.12.2017 (Annexure-2, Page 28). Evidently, the work stands completed and other than the work exercised, there is no other work in relation to which ATR stood issued against the petitioner. It is further submitted that based on the ATR issued prior to the rectification of record (Annexure-2 Page 28), the petitioner’s status would be continued to be reflected as ATR, which, with the consequential effect of the petitioner’s bids, being rejected, as is evident from Annexure-4 Page 31).



At this stage, Shri Prabhat Ranjan states that petitioner shall approach the Respondent No. 3, namely, The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna.

Shri Kumar Alok, learned S.C.-7, states that on receipt of such request, all remedial measures shall be taken within a period of two weeks.

Statement accepted and taken on record.

In view of the aforesaid, present petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	20.09.2022
Transmission Date	

