

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6033 of 2023

Vishnuvihar Engitech and Services Private Ltd. having its Registered Office at Harish Chandra Prasad, Plot No. 4, 3rd Floor, Central Bank Staff Colony, Behind N.R.L. Petrol Pump, Kumharar, Patna Bihar 800026, through its Director, Vipin Kumar, aged about 34 years, Male, son of Sri Vijay Sharma, resident of village Chhotiya, P.O. Takya Karpi, P.S. Mahakar, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Irrigation Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Irrigation Department, Government of Bihar, Patna.
4. The Chief Engineer, Planning, Maintenance and Geology Department, Government of Bihar, Patna, cum the Registering Authority.
5. The Superintending Engineer Cum Chief Engineer In Charge, Planning, Maintenance and Geology Department, Government of Bihar, Patna.
6. The Superintending Engineer, Minor Irrigation Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
Mr. Chandan Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-06-2023

In the instant petition, the petitioner has prayed for
the following relief(s):-

*“(i) Quashing of the Notice to Show Cause
dated 28.03.2023 contained in Letter No. 252*



(Annexure 3) issued by Incharge Chief Engineer, upon instructions of the Department, whereby on the allegations of suppressing the existing commitment and ongoing works, in order to enhance the Bid capacity in connection with Tender process arising out of NIT No. 01/2022 - 23, the petitioner has been asked to Show Cause within one week as to why the Registration be not blacklisted in terms of Bihar Contractors Registration Rules, 2007; and

(ii) Restraining the Respondents by writ of prohibition from giving effect to the Notice to Show Cause dated 28.03.2023 as contained in Letter No. 252 (Annexure 3) during the pendency of the present writ petition and / or without the leave of this Hon'ble Court.”

Learned counsel for the petitioner submitted that the impugned action is by incompetent authority. On this issue, learned counsel for the petitioner relied on the earlier decision of this Court passed in C.W.J.C. No. 4726 of 2023, decided on 20th of April, 2023. The aforementioned issue has not been disputed by learned counsel for the respondents.

Accordingly, notice dated 28.03.2023, issued vide letter no. 252(Annexure-3) by In charge Chief Engineer, Minor Irrigation Department, Government of Bihar, Patna is set aside, in the light of order dated 20th of April, 2023, passed in C.W.J.C. No. 4726 of 2023, reserving liberty to the concerned



respondent/competent authority to take appropriate action, if it
is warranted at this stage.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.06.2023
Transmission Date	

