

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9536 of 2015

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M/s Jai Bajrangabli Construction Pvt. Ltd. through its Proprietor Sachidanand Tiwary, S/o Late Kedar Tiwary Resident of Village Palaundha, P.O. Chenari, P.S. Chenari, District Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Sichai Bhawan, Patna.
2. The Additional Secretary, Water Resources Department, Govt. of Bihar, Sichai Bhawan, Patna.
3. The Engineer in-chief Central Water Resources Department, Govt. of Bihar, Sichai Bhawan, Patna.
4. The Chief Engineer, Water Resources Department, Dehri-on-Sone, Rohtas.
5. The Superintending Engineer, Jalpath Anchal, Bhabhua, kaimur.
6. The Executive Engineer, Jal Path Division, Mohania, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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

Date : 11-05-2023

None appears for the respective parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

"That the instant writ petition is being filed for issuance of writ of mandamus or direction (s) to the respondents, specially to respondent No. 6 for stay the operation of annexure -I vide letter No. 211 dated 07.05.2015 whereby Jai Bajrangabli Construction Pvt. Ltd., (hereinafter referred as the petitioner) has been proposed for approval of debar/ black listing on the basis of false and fabricated material in



contradiction to the request letter no. 182 dated 10.04.2012 (Annexure-2) and physical progress report dated 31.03.2015 written in favour of the petitioner by respondent no. 6 to respondent no.5. The enquiry report submitted by the flaying squad is also in favour of the petitioner (Annexure -4).

In impugned annexure -1 at para - 10 it has been alleged that the petitioner has claimed for payment of 35 constructed outlets in Hariballabhpur minor canal path renovation work which are against the estimate and quality of the agreement no. F2/1/2011-12.

But by letter no. 182 dated 10.04.2015 the respondent no. 6 has reported to the same respondent No. 5 that the work of Hariballabhpur minor is pending due to official error in estimate of escape construction. The said escape construction has been proposed to be revised by Asstt. Engineer and Junior Engineer but the same has yet not been sanctioned by the higher authority. The respondent no.6 has further stated that the petitioner had to constructed 35 outlets, out of which claim of 28 outlets have been considered and paid. The payment for 7 outlets could not be made due to not entering the measurement in M.B. by the subordinates. Revised rate of stone metal chips has been proposed to chief engineer (respondent no. 4) and due to non sanction of carriage charge Rs. 2,07,438 the aforesaid work is pending as mentioned in para 6 to 10.

In Ruiya minor canal path renovation work under agreement No. F2-04/2012-13 it has been alleged that the petitioner has claimed revised rate of stone metal chips supply from Kodarma which is under progress of sanction from chief engineer vide letter dated 18.04.2015 as mentioned in para -9 & 10 so he should be debar/blacklisted.



But in letter no. 182 dated 10.04.2015 the respondent no. 6 has reported that due to unavailability and pending of revised rate of stone metal chips, the removation work of Ruiya Minor Canal Path could not be completed by the petitioner as mentioned in para 3 & 4 of the respondent vide letter no. 182 dated 10.04.2015 (Annexure -2).

The respondent no. 6 has sent same report by annexure-3. No irregularity report in the aforesaid work has also been communicated by annexure-4 as enquired by the flying squade. But due to respondent's faults and vested interest a debarment/ blacklisting letter no. 211 dated 07.05.2015 (Annexure-1) has illegally been proposed for approval which may finally be quashed or declare illegal and instantly the operation of annexure-1 may be stayed in the interest of justice."

3. Perusal of the records it is evident that the present petition is pre-mature. Petitioner has assailed the proposed action to blacklist him.

4. Accordingly, the present writ petition stands dismissed as pre-mature reserving liberty to the petitioner to assail the blacklisting order, if it is already passed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.05.2023
Transmission Date	N.A.

