

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11510 of 2022

Sanjeet Kumar Son of Rajendra Singh Resident of Mohalla- Shastrinagar,
Road No. 3, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Work Department, Bihar, Patna.
2. The Principal Secretary, Rural Work Department, Bihar, Patna.
3. The Engineer-in-Chief, Rural Work Department, Bihar, Patna.
4. The Chief Engineer, Rural Work Department, South Bihar, Patna.
5. The Executive Engineer, Rural Work Department, Bihar, Patna.
6. The Assistant Engineer, Rural Work Department's Work Division Tekari, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Nitish Kumar, Advocate
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta (GP-10) Ms. Deepanjali Gupta, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 03-05-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“1. That this is an application for issuance of appropriate writ/ writs order/ orders direction/ directions for quashing the order contained in Memo No. 1795 dated 15.07.2022 by which the representation of the petitioner before the empowered standing committee Rural work department, Bihar, Patna against the order contained in memo no. 196 dated 09.02.2022 by which the agreement with respect to the construction of Roads and



CD works with maintenance for tender group number 12 PMGSY-97 containing Roads (I) Bali 064 Matia (BR12R547) (II) Aati (T04) to Fatehpur (BR-12R550) under PMGSY has been rescinded and the name of the petitioner has been directed to be put in Black List and the earnest deposit, security deposit and time extension deposit have been seized, has been rejected and further for any other relief(s) for which the petitioner may found entitled to.”

02. In the normal course, the Court would not interfere with the impugned action of the respondents. However, in the present case due to unavoidable circumstances, there was a delay in executing the work and in other words, it was beyond the control of the petitioner.

03. Brief facts of the case are that an agreement was entered into for execution of a road construction on 05.12.2014 and petitioner-contractor was required to execute the contract work before 04.12.2015. He could not complete the work for various reasons, the same was appreciated by the respondent-Department which proceeded to extend time for execution of work. The last date of extension of time was on 07.07.2020, by which, the petitioner was asked to complete the execution of work before 30.12.2020. The petitioner-contractor could not execute the balance work due to Covid-19, which affected the human life from 20.03.2020 onwards and standard operating



procedure was issued by both State Government as well as Central Government and it was in vogue till 20.03.2022. Therefore, the extension period for execution of the work was during the intervening period from 20.03.2020 to 20.03.2022.

04. Taking note of these factual aspects of the matter, it is not appropriate to take action against the petitioner in the light of Covid-19. Therefore, the petitioner has made out a case, so as to interfere with the impugned order vide Memo No. 1795 dated 15.07.2022 (Annexure-15) and it is set aside.

05. The petitioner-contractor shall execute the work and complete within a period of three months from 15.05.2023, failing which, the respondents-Department are at liberty to initiate action against the petitioner-contractor in accordance with law.

06. Accordingly, the writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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