

pIN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14287 of 2022

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M/s. Brijnandan Singh through its Partner Brijanandan Singh, Aged about 62 years, Male, Son of Late Mangru Singh, Resident of Village Lahthan, P.S. Agiaon Bazar, District Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Water Resources Department, Government of Bihar, Patna.
3. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Patna.
5. The Executive Engineer, Flood Control and Drainage Division, Ekangersarai, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh (Ga2)

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

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

12 13-07-2023 In the instant petition, petitioner has prayed for the following reliefs:-

*"(i) For quashing of the
exparte Inspection Report dated
22.10.2020 submitted by Executive
Engineer, Flying Squad, Circle 78
Water Resource Department, Patna,
relying by which certain adverse
actions have been recommended with
regard to delay in the completion of
the work etc. has been reported; and*

(ii) For quashing of the



consequential Notice to Show Cause contained in Letter No. 637 dated 21.02.2022 issued by the Under Secretary, Water Resources Department upon instructions of the Government whereby penal actions have been contemplated in terms of Rule 11 (k) (ii) of the Bihar Contractors Registration Rules 2007 solely on the basis of the exparte enquiry report dated 22.10.2020; and

(iii) Restraining the Respondents from proceeding further in connection with Notice to Show Cause dated 21.02.2022 contained in Letter No. 637 contemplating action under the Bihar Contractors Registration Rules 2007 against the petitioner during the pendency of instant writ application."

2. On 6.7.2023, the following order was passed:-

"Learned counsel for the respondents is hereby directed to produce specific notice asking the petitioner to appear on the construction spot for inspection. He is hereby directed to produce the same before the next date of hearing.

Relist this matter on 13.07.2023."

3. Today, learned counsel for the Respondent furnishes documents off the record relating to issuance of notice dated 12.06.2020 relating to spot inspection at 8.00 AM. It is submitted that this notice was informed to the petitioner over telephone and on the date of inspection the petitioner's



representative had appeared and he has attested the spot inspection whereas the representative of the petitioner is not party to the inspection report proceedings drawn by the concerned officer. Merely, having attendance of the representative on the date of inspection it does not suffice that petitioner's representative was participated in the process of spot inspection conducted by the official respondents. Therefore, impugned show cause notice dated 21.02.2022 (Annexure-2) stands set aside reserving liberty to the concerned respondent to proceed afresh after notice of appearance of the petitioner or his representative for the purpose of spot inspection of the work which was under execution or executed on behalf of the petitioner. The above exercise shall be completed within a period of two months from the date of receipt of this order.

4. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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