

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16425 of 2022

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Bijay Kumar Bimal son of Late Pulkit Prasad Yadav resident of S.B.I. Road,
Ward No. 18, Vidyapuri Mohalla, P.O. and P.S. Madhepura, District-
Madhepura.

... .. Petitioner/s

Versus

1. The Bihar State Bridge Construction Corporation Limited 7, Sardar Patel Marg, Patna through the Managing Director.
2. The Managing Director, The Bihar State Bridge Construction Corporation Limited, 7, Sardar Patel Marg, Patna.
3. The Secretary (Planning and Administration), The Bihar State Bridge Construction Corporation Limited, 7, Sardar Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, Advocate
For the State	:	Dr. Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 21-02-2023 Heard Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioner; Mr. Lalit Kishore, learned counsel appearing on behalf of the respondent; Dr. Anand, learned counsel appearing on behalf of the Bihar State Bridge Construction Corporation Ltd., Patna.

2. The petitioner is aggrieved by the action of the Bihar State Bridge Construction Corporation Ltd., Patna and has sought quashing of communication contained in Letter No. 4164 dated 24.12.2021. It is submitted that he had deposited license registration fee of Rs. 2 lakhs in accordance with the provision of rule relating to Registration of Contractor Rules,



2007. Learned counsel further submitted that the purposes of registration as a first class Contractor in the Respondent Corporation, an applicant is required to deposit a sum of Rs. 2 Lakhs (Rupees Two Lakhs) through the Bank Draft, the petitioner had obtained a Bank Draft of Rs. 2 lakhs from the Bank of Baroda being D.D. No. 019745 dated 16.12.2020 in favour of Respondent Corporation and deposited his Bank Draft in the Respondent Corporation on 16.12.2020 which was received by the Accounts Officer of the Respondent Corporation on 16.12.2020 under Receipt No. 10984 dated 16.12.2020 as mentioned in Annexure- "P-2" & "P-2/1". He further submitted that petitioner had no previous experience and he has lost his interest for his registration as a Contractor with the Respondent Corporation, he had not submitted his application for registration in the prescribed form before the Respondent Corporation and had submitted his application dated 24.06.2021 before the Respondent No. 2 on 26.07.2021 requesting therein for refund of his money deposited by him through Bank Draft under Receipt No. 10984 dated 16.12.2020 as mentioned in Annexure- "P-3". He further submitted that though he has deposited the registration fee of Rs. 2 lakhs but he had not made application subsequent to the deposit order earlier to the same,



on these basis he submitted that his prayer is only for refund of his money which has been deposited through Bank Draft of Rs. 2 lakhs issued in favour of the Bihar State Bridge Construction Corporation Ltd., Patna under Receipt No. 10984 dated 16.12.2020. He further submitted that the rejection of his claim by the Secretary (Planning and Administration), the Bihar State Bridge Construction Corporation Ltd., Patna is without jurisdiction and authority of law and also not in accordance with rules relating to Registration of Contractor Rules, 2007.

3. Dr. Anand, learned counsel appearing on behalf of the Bihar State Bridge Construction Corporation Ltd., Patna, Patna submitted that as per the provision of Sub-rule 4 B, Managing Director is the License Authority and it is not clear from the communication made by the Secretary (Planning and Administration), the Bihar State Bridge Construction Corporation Ltd., Patna contained in Letter No. 4164 dated 24.12.2021 that the said communication has been made on the basis of order passed by the Managing Director, the Bihar State Bridge Construction Corporation Ltd., Patna rejecting the application of the petitioner for refund pursuant to the rejection of grant of license.

4. Heard the parties.



5. The record reveals that the petitioner had deposited Rs. 2 lakhs and receipt to that extent is in Annexure P/2 to the writ petition i.e. Receipt No. 10984 dated 16.12.2020. The contention of the petitioner is that the petitioner had not made any application subsequent to deposit of Rs. 2 lakhs for registration is not sustainable. The petitioner is aggrieved by the communication contained in Letter No. 4164 dated 24.12.2021 by which the claim for refund of Rs. 2 lakhs has been rejected by Secretary (Planning and Administration), the Bihar State Bridge Construction Corporation Ltd., Patna who is not a Licensing Authority. The provision of Sub-rule 4(b) prescribes the Managing Director as Licensing Authority. The impugned Letter No. 4164 dated 24.12.2021 rejecting the application of the petitioner is accordingly held to be without jurisdiction and is hereby quashed.

6. With the above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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