

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15970 of 2023

Sanjay Singh Son of Sri Banarsi Singh, Resident of Opposite Pillar No. 68,
Brahmasthan Road, Behind Satyam Hospital, Sheikhpura, P.S.- Shastrinagar,
District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department,
Government of Bihar, Patna.
2. The Engineer In Chief Cum Additional Commissioner Cum Special
Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (Patna), Building Construction Department,
Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate Mr.Chandan Kumar, Advocate Mr.Ansh Prasad, Advocate
For the Respondent/s	:	Mr.Ajay Behari Sinha (Ga 8) Ms.Seema Ghayala, Ac to Ga8

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

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

Date : 08-11-2023

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

*“(i) Quashing of the Notice to
Show Cause dated 30.11.2022 as contained
in Letter No. 8679 by which, the Respondent
No. 2 has sought for an explanatin within
one week as to why appropriate action be not
taken in terms of the recommendation of the
committee in term of the provisions of the
Bihar Contractors Registration Rule, 2007;*



(ii) Quashing of the consequential order bearing Memo No. 4759 dated 09.06.2023 by which the Respondent No. 2 on the basis of the decision taken in a committee has been pleased to suspend the registration of the petitioner for a period of two years;

(iii) Restraining the Respondents from giving effect to the order bearing Memo No. 4759 dated 09.06.2023 during pendency of the present writ application and/or without the leave of this Hon'ble Court; and

(iv) Declaration to the effect that participation by the petitioner in any bid/tender during the pendency of the present writ application would be subject to the outcome of the present writ application."

2. The petitioner's registration has been suspended for a period of two years and it is not preceded by specific notice of suspension of registration for a period of two years. Suspension of registration has impact of civil consequences on the petitioner, therefore, he is entitled to specific notice and other formalities to be completed by the official respondent.

3. Learned counsel for the respondents have not disputed the aforementioned contention of the petitioner and so also decision produced by the petitioner at Annexure-P/4 dated 07.10.2023 passed in CWJC No. 12290 of 2023.



4. Taking note of the aforementioned facts and circumstances and the fact that the present matter is covered by aforementioned decision of this Court. The petitioner has made out a case, accordingly, Annexure-P/3 stands set aside.

5. With the above observation, the present writ petition stands allowed. Reserving liberty to the concerned authority to proceed in accordance with law, the competent authority is also hereby directed to take note of decision passed in CWJC No. 12290 of 2023 decided on 07.10.2023 in the case of *Rohit Kumar Ojha vs. The Bihar State Educational Infrastructure Development Corporation Ltd & Ors*, in which certain judicial pronouncements have been taken note of in respect of suspension of registration or blacklisting a contractor how it is to be proceeded by the competent authority. The same shall be taken note of by the competent authority.

6. The competent authority is hereby directed to issue a specific and detailed notice insofar as suspension of registration or blacklisting the petitioner for a particular period. On receipt of such notice petitioner is hereby directed to furnish his explanation/reply. Thereafter, the competent authority is hereby directed to pass detailed speaking order after due consideration of each of the contentions to be raised by the petitioner against the



show-cause notice. The above exercise shall be completed within a period of two months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.11.2023
Transmission Date	NA

