

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.479 of 2024

M/s Tribhuwan Prasad Singh and Company, a partnership firm, having its registered office at By Pass Road, Village- Mahisouri, P.O. and Police Station- Jamui, District- Jamui through its one of the partners namely Mrs. Sonam Kumari (Female), aged about 32 years, wife of Sanjeev Kumar, resident of By Pass Road, Village- Mahisouri, P.O. and Police Station- Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Public Health and Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer, Public Health and Engineering Deptt, Bhagalpur, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health and Engineering Deptt., Begusarai Circle, Government of Bihar.
6. The Executive Engineer, Public Health and Engineering Department, Lakhisarai Division, Government of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. AC to AAG- 5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-02-2024

The petitioner is aggrieved with the debarment issued against the petitioner as per Annexure-P/3 dated 12.07.2022.

2. Learned counsel for the petitioner contends that there was no notice issued before Annexure-P/3 was passed.

3. Learned AC to AAG-5 would first contend that Annexure-P/3 is dated 12.07.2022 and the challenge is grossly



delayed. It is also pointed out from the counter affidavit that two notices (Annexures- G and H) were issued, one on 07.06.2022 and the other on 01.04.2022, specifically threatening debarment, if the work is not completed. It is only on the basis of the said notices, the debarment was issued.

4. We see from Annexure-P/3 that there is no period specified for the debarment. We also notice the contention of the learned counsel for the petitioner that at least now; though admittedly beyond the stipulated period in the NIT, the work has been completed on 27.03.2021.

5. In the above circumstances, it is for the petitioner to make a proper representation before the respondent authority to cancel his debarment. The respondent authority will consider the same specially noticing the fact that he has suffered debarment for more than one year as of now. The contention regarding satisfactory completion of work shall also be taken into account.

6. The writ petition would stand disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2024
Transmission Date	NA

