

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3331 of 2024

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Anshu Aman Construction and Services Pvt. Ltd., through its Managing Director, namely, Anshu Aman, aged about 48 years, Gender- Male, Son of Late U.S Lal, presently working as Managing Director of M/s Anshu Aman Construction and Services Pvt. Ltd. having its registered office at 401, Ashish Kutir, Kavi Raman Path, Nageshwar Colony, Boring Road, Patna- 800001.

... .. Petitioner/s

Versus

1. The Union of India through its Chairman, Airport Authority of India, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi-110003.
2. The Chairman, Airport Authority of India, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi-110003.
3. Executive Director, (Engg-C) Airport Authority of India, Safdarjung Airport New Delhi-110003.
4. Regional Executive Director, Eastern Region, Airport Authority of India, Kolkata.
5. General Manager (Engg-C) Eastern Region, Airport Authority of India N.S.C.B.I Airport, Kolkata-52.
6. General Manager (Engg-C) Airport Authority of India J.P.N International Airport, Patna-800014.
7. Airport Director, Airport Authority of India J.P.N International Airport, Patna-800014.
8. Joint General Manager (Engg-C) Airport Authority of India J.P.N International Airport, Patna- 800014.
9. Assistant General Manager-Cum-Bid Manager (Engg-C) Airport Authority of India, J.P.N International Airport, Patna - 800014.
10. Cupid Enterprises, 26, Ambikapuri, Opposite BSF Watertank, Airport Road, Indore (M.P) Pin Code - 452005.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Singh, Advocate
For the AAI	:	Mr. Kumar Priya Ranjan, SC
		Mr. Sandeep Kumar, Advocate
		Mr. Vibhuti Kumar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)**

Date : 21-02-2024

Heard the parties.

2. The petitioner, who is a Private Limited Company duly incorporated under the Companies Act, 1956, in the name and style of M/s Anshu Aman Construction and Services Pvt. Ltd., by way of the present writ petition seek quashing of communication dated 13.07.2023 uploaded over the website, so far it relates to the petitioner vide Clause-C (6), whereby the petitioner has been recommended as 'not eligible' for the work of Annual Maintenance Contract of Civil works in Terminal and Allied Buildings during 2023-24 at Jai Prakash Narayan International Airport, Patna (hereinafter referred to as 'the JPN International Airport, Patna'), for which E-tenders had been invited through the CPP portal under the authority of Assistant General Manager-cum-Bid Manager (Engg-C) Airport Authority of India (hereinafter referred to as 'the A.A.I.'). the JPN International Airport, Patna on behalf of the Chairman, A.A.I. as contained in Annexure-P/1.

3. The petitioner, while assailing the impugned communication, apart from alleging *mala fides* against the



respondents, has submitted that the grounds for being recommended as “Not Eligible” is neither sustainable in the eyes of law nor on facts, which would appear on the face of the record of the case. Besides, the show-cause reply of the petitioner has not been taken into consideration before making such recommendation.

4. The impugned order at Annexure-P-5 is dated 17.07.2023. The order of cancellation of contract is also for the performance being below par. We find no reason to interfere with the said finding of the awarder, that too after passage of seven months.

5. After arguments, it has been informed to this Court that during the pendency of the present writ petition, the petitioner has been visited with the penalty of debarment and, as such, he seeks indulgence of this Court to file an interlocutory application to challenge the same.

6. Considering the fact that the order of debarment gives a completely fresh cause of action, this Court does not find any reason or occasion to continue with the present proceeding.

7. Accordingly, the present writ petition stands dismissed with the liberty to take appropriate legal recourse



against the order of debarment.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2024
Transmission Date	NA

