

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4845 of 2024

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M/s P.K. Construction Pvt. Ltd. Through its proprietor Pintu Kumar (male),
aged about 40 years, Son of Ranjeet Mahto, Resident of Mohalla - Khandpar,
P.S. - Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Gaya Municipal Corporation through its Commissioner, Gaya Nagar Nigam, Gaya.
3. The Chief Engineer (Work Division), Road Construction Department, Bihar, Patna.
4. The Post Master, Grade-II, Lakhisarai MDG, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shyam Kishore, Advocate
For the Respondent/s	:	Dr. Krishna Nandan Singh (ASG)
		Mr. Amarendra Nath Verma, Sr. Panel Counsel
		Mr. Rakesh Kumar, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-09-2024

The petitioner is concerned with a blacklisting issued against the petitioner for 10 years. It is the contention of the petitioner that there was no hearing granted to the petitioner before such blacklisting was ordered.

2. The learned Government Advocate however, points out that there is clear fraud committed by the petitioner which has led to the debarment.



3. The petitioner's contention was that he had produced three term deposits along with the bid documents which satisfied the requirement of term deposit as per the NIT. The petitioner had applied under Annexure-P/1 Notice Inviting Tender and is said to have qualified in both the technical bid and the financial bid; having been declared as L1. The petitioner then opened three term deposit accounts for Rs. 2,95,000/-, Rs. 2,30,000/- and Rs. 3,30,000/- respectively in a post office at Lakhisarai. The said term deposits were pledged to the Commissioner, Gaya Municipal Corporation, Gaya by the Post Master Grade-II, Lakhisarai on the petitioner's request. The said term deposits have been produced as Annexure-P/2 series. The Commissioner, Gaya Municipal Corporation who was the tendering authority on verification of the term deposits found that they were only for Rs. 29,500/-, Rs. 23,000/- and Rs. 33,000/- respectively as informed by the Post Master-II, Lakhisarai Munger. This had led to the disqualification.

4. A counter affidavit has been specifically filed by the 4th respondent, who is the Postal Inspector, Sub-division-Jhajha, Division-Munger, in which it has been categorically stated that the term deposit accounts having account numbers which are shown in Annexure-P/2 series are specifically of Rs. 29,500/-,



Rs. 23,000/- and Rs. 33,000/- respectively. The application form and pay slip at the time of opening of the accounts have also been produced as Annexure-A/R-4 series. It is also stated that there is no further deposit in the said accounts after the initial deposit. The said amounts were also credited in the savings account of the petitioner as per Annexure-B/R-4 series.

5. A rejoinder has been filed by the respondent no. 4 wherein, there is no specific denial of the statements made by the 4th respondent. The petitioner has made evasive statements and spoken of the counter affidavit being manipulated. The petitioner despite the specific counter affidavit has not cared to bring on record the original of the term deposit accounts. We cannot but deprecate the manner in which the petitioner has bid under the NIT and the statements made on affidavit in the writ petition seeking to justify a clearly fraudulent action.

6. We find the writ petition to be a clear abuse of the process of court and dismiss the same with cost of Rs. 15000/- on the petitioner payable to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks and if not, the Bihar State Legal Services Authority shall be entitled to proceed for recovery by taking measures similar to recovery of arrears due on land through the



District Magistrate, in which event the petitioner shall be liable for the charges incurred for making such recovery, which have to be recovered by the State.

7. Let a copy of this judgment be transmitted to the Member Secretary, Bihar State Legal Services Authority.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2024
Transmission Date	NA

