

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10555 of 2024

M/s Om Shree Enterprises through its Proprietor Prashant Kumar Jha (M) aged about 35 years, Son of Late Manoj Jha, resident of Ward No.- 14, Suro Ojha Tola Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, P.H.E.D., Govt. of Bihar, Patna.
2. The Engineer-in-Chief cum Additional Secretary, P.H.E.D., Patna.
3. The Chief Engineer, P.H.E.D., Bhagalpur Region, Bhagalpur.
4. The Superintending Engineer, P.H.E.D., Circle, Begusarai.
5. The Executive Engineer, P.H.E.D., Division, Bhagalpur.
6. The Assistant Engineer, P.H.E.D., Sub-Division, Bakhari, District- Begusarai.
7. The Junior Engineer, P.H.E.D., Garhpura, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Pratik Kumar, AC to GA-11

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 25-11-2024

Read order dated 23.08.2024:

The contention in the above writ petition is with respect to debarment as per Annexure-P/13 without any notice. The work was awarded to design and build all system components of MORTOR Single Village Pipe Water Supply Scheme including operation and maintenance for five years after commissioning of Scheme including billing and for providing supply of water by [8x7@70](#) lpcd through MORTOR Single Village Pipe Water Supply Scheme in the district of Begusarai.

2. The petitioner submits that as of now the



work has been completed as seen from Annexure-P/21. The learned Government Advocate, however, asserts that the work has not been completed and the respondents would not have any objection in the petitioner continuing the work and completing it within a time frame for which an undertaking has to be filed before this Court. It is also submitted that there is a further liability on the petitioner for operation and maintenance of the system for five years which the petitioner submits, he is ready to comply with.

3. It is admitted that no show-cause notice was issued for the purpose of debarring the petitioner, however, the non-compliance of the terms of the work order was informed several times.

4. Considering the contentions raised on both sides, we are of the opinion that the Officers of the respondents and the petitioner should sit across a table and find a solution for the same. We adjourn the matter for two weeks upon which the petitioner and the respondents can file a joint statement with respect to the resolution arrived at which will be accepted by this Court.

5. Post this matter on 19.9.2024.

2. As per our suggestion, there was a meeting with the officers of the petitioner and the respondents and settlement has been arrived at as is seen at Annexure-R/A series produced along with the supplementary counter affidavit dated 26.10.2024 filed by the 5th respondent.

3. In such circumstances, the terms of the said agreement is recorded as part of this judgment. The debarment as per Annexure-P/13 hence stands set aside. The parties shall comply with the terms of the agreement. The undertaking made



by the petitioner before the respondents shall be scrupulously obeyed.

4. The writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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