

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.774 of 2024

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Savitri Surendra Security Pvt. Ltd. having its Registered Office at Flat No. D 402, Vamika Enclave, Murli Chak, near Majar, Jagdeo Path, P S Hawai Adda, District Patna, through its Director Sandip Kumar, aged about 47 years, Male, Son of Late Surendra Prasad Singh, Presently residing at Village and P.O. Ekdanga, P.S. - Belchhie, District Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief cum Additional Secretary cum Special Secretary cum Registering Authority, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Ansh Prasad, Advocate
For the Respondent/s	:	Mr. P. K. Verma (AAG-3) Mr. Suman Kumar Jha, AC to AAG-3

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

Date : 11-09-2024

The petitioner is concerned with the suspension from the registration issued by the Building Construction Department, the 3rd Respondent herein, under the Bihar Contractor Registration Rules, 2007 (hereinafter referred to as ‘the Rules’).

2. The learned Counsel for the petitioner submits that it is based on a blacklisting issued by the Bihar Police Building Construction Corporation (hereinafter referred to as ‘the



Corporation') that the registration was cancelled. The blacklisting issued by the Corporation was initially for an indefinite period which was *suo-motu* changed to five years. An appeal was filed from the said order, in which the Appellate Authority confined the blacklisting to the end of the financial year i.e., as on 31.03.2024. The Corporation, however, informed the Building Construction Department which led to the aforesaid suspension. It is argued that the show-cause notice did not specify the penalty proposed and that there could not be a further suspension since it would lead to double jeopardy. It is also argued that the Annexure-P/12, which is the order of suspension passed, is a totally non-speaking order.

3. The learned AAG appearing for the respondents points out that the show-cause notice has specifically pointed out the allegation and also referred to the proposed action under the Rules. The decision was taken after the reply was considered and the petitioner has a remedy of appeal.

4. We cannot accept the argument of the learned Counsel for the petitioner that there was no proposal in the show-cause notice, as to the penalty which was to be imposed on the petitioner. After referring to the charge of forgery, the show-cause notice specifically referred to the Rules. The penalty



is available under Rule 11 and the penalties that could be imposed under the said provision are; suspension of registration, blacklisting and downgrading to a lower category. The Rules have been specifically referred to and the allegation of forgery also has been referred to, in the show-cause notice. The specific reference to the Rules, puts the petitioner to notice of the penalties proposed. If a lesser penalty was proposed definitely higher penalty cannot be imposed. That is not the case here.

5. The next contention raised is that there is double jeopardy insofar as having suffered blacklisting at the hands of the Corporation and a suspension of registration at the hands of the Department.

6. The learned AAG specifically pointed out that the blacklisting would disable the petitioner from applying under any departments. However, the suspension made by the Building Construction Department would apply only to the Building Construction Department, which has proceeded on the basis of the specific rule which decries a forgery in the tender process.

7. We are agreeable to the said contention raised on behalf of the State and in that circumstance, we do not think that there can be any interference caused to the order on the said



ground.

8. The next ground is that the order is totally a non speaking order. In fact, the petitioner has filed a three page reply, which is evident from the Annexure-P/11. The petitioner specifically admits to the uploading of forged documents and also apologises for the same.

9. In the teeth of the admission made by the petitioner, we do not think that any interference can be caused to the order passed, which specifically speaks of suspension of the registration for two years. The petitioner can definitely file an appeal, but only with respect to the period of suspension.

10. We find absolutely no reason to cause interference to the impugned order.

11. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
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