

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17983 of 2023

M/s Sharda Construction having its Registered Office at Phulwari, P O Amawa Majhar, P.S. Muffasil Bettiah, District West Champaran Bihar through its Partner Shreekrishna Prasad, aged about 54 years, Male, son of Late Ambika Prasad, resident of Village Phulwari, P.O. Amawa Majhar, P.S. Muffasil Bettiah, District West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer--3, Rural Works Department, Government of Bihar, Patna.
4. The Executive Engineer, Rural Works Department, Works Division, Bettiah, District West Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, AG
		Mr. Vikas Kumar, Advocate
		Mr. Rajesh Kumar, Advocate
		Mr. Vipin Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 23-01-2024 The petitioner is concerned with the show cause notice issued at Annexure-P/7, which directed the stoppage of work, which was awarded to him. The reason for issuance of Annexure-P/7 as we see from the order is that the petitioner who had a registration as a Rural Works Contractor was blacklisted by the Bihar State Educational Infrastructure Development Corporation ltd., as per Annexure-P/8.



2. The petitioner submits that Annexure-P/8 was never given to him and even as per Annexure-P/7, the last date of submission of the tender was 11.05.2023.

3. Learned Government Advocate however points out that the last date for submission of the contract was 12.05.2023 as can be seen from Annexure-P/1 and hence, there is clear suppression of the facts.

4. We see that the contention of the petitioner is that the Bihar State Educational Infrastructure Development Corporation Ltd., never communicated Annexure-P/8 to the petitioner and hence, there was no suppression of the blacklisting. We also see that the order passed at Annexure-P/8 is on 11.05.2023 and the online and offline submission was up to 15 hours of 12.05.2023. If the petitioner's contention is correct, of no service of Annexure-P/8 order, then there was no possibility of he being aware of such a blacklisting at the time of submission of the tender. We also have to observe that the allegation of suppression can only be sustained if the petitioner had submitted the tender after 11.05.2023. These are matters which have to be verified by the respondent authority.

5. We are unable to get any instructions as to service of Annexure-P/8 since the Bihar State Educational Infrastructure



Development Corporation ltd., has not been impleaded. The respondent Department could very well verify the service from the Bihar State Educational Infrastructure Development Corporation ltd. We are also told that the petitioner has challenged Annexure-P/8 by a separate writ petition.

6. In any event, the petitioner could definitely show cause against Exhibit P/7 which shall be done within a period of one week from today.

7. Within one week of receipt of the show cause, the petitioner shall be heard on a date fixed and the further decision taken in accordance with law.

8. Accordingly, the present writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Adnan/Kiran

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