

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1730 of 2024

=====

Pravin Kumar Singh S/o Ram Chandra Singh, Resident of village-
Relanarayan, Post- Ebrahimpur, Berua, P.S.- Gayghat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department Govt. of Bihar, Patna.
2. The Secretary, Rural Works Department Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department Govt. of Bihar, Patna.
4. The Chief Engineer- 3, Rural Works Department, Work Circle, Darbhanga.
5. The Executive Engineer, Rural Works Department, Work Division, Biraul, District- Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate General

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-04-2024

The petitioner is concerned with a blacklisting for 10 years. Admittedly, there was road construction undertaken by the petitioner. The road was completed as early as in the year 2018, however, due to floods there was rampant



damage caused to the road and the petitioner was directed to carry out restoration.

2. It is admitted that the petitioner by the terms of the contract itself was obliged to carry out maintenance of the road whether it be incidental, normal wear and tear or by reason of any natural calamity. The petitioner though agreed to carry out the restoration kept on demanding for a revision of rates especially since there was an escalation in the cost for reason of the Covid having intervened. The respondents did not respond and in that circumstance there was no maintenance carried out. This was the reason for blacklisting of the petitioner.

3. The learned Senior Counsel appearing for the petitioner also points out that in certain other cases there was revision of rates carried out. As of now, it is too late to direct consideration of revision of rates. Insofar as blacklisting is concerned, the petitioner's defalcation is admitted since the restoration was not carried out as is the condition under the contract.

4. If there is a clause in the agreement for revision of rates, it is for the petitioner to avail the alternate remedy in



the present case by way of an Arbitration. Leaving petitioner the said liberty, finding ourselves unable to interfere in a proceeding under Article 226 of the Constitution of India, we close the writ petition.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.04.2024
Transmission Date	NA

