

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17498 of 2023

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M/s. PSK Engineering Construction and Co. Naducombai Post, Kalappanaichenpatty (via), Namakkal-637404, Tamil Nadu (India), through its Shri Selladurai Periyasamy, aged about 31 Years (Male), S/o- Periyasamy, R/o- 3/ 72, Vizhankadu, P.O.- Naducombai, District- Namakkal, Tamilnadu-637404.

... .. Petitioner/s

Versus

1. The State of Bihar through, Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Additional Secretary, Department of Health, Govt. of Bihar, Patna.
3. Indira Gandhi Institute of Medical Science (IGIMS), Sheikhpura, Patna through its designated officials.
4. The Director, Indira Gandhi Institute of Medical Science (IGIMS), Sheikhpura, Patna.
5. Superintending Engineer, Indira Gandhi Institute of Medical Science (IGIMS), Sheikhpura, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 354 of 2024

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M/s PSK Engineering Construction and Co., Naducombai Post, Kalappanaichenpatty (via), Namakkal-637404, Tamil Nadu (India), through Shri Selladurai Periyasamy, aged about 31 years (Male), son of Periyasamy, resident of 3/72, Vizhankadu, P.O. - Naducombai, District Namakkal, Tamilnadu- 637404.

... .. Petitioner/s

Versus

1. The State Of Bihar Through, Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Additional Secretary, Department of Health, Govt. of Bihar, Patna.
3. Indira Gandhi Institute of Medical Science (IGIMS), Sheikhpura, Patna through its designated officials.
4. The Director, Indira Gandhi Institute of Medical Science (IGIMS) Sheikhpura, Patna.
5. Superintending Engineer, Indira Gandhi Institute of Medical Science (IGIMS), Sheikhpura, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 17498 of 2023)



For the Petitioner/s : Mr. Sanjay Singh, Sr. Advocate
Mr. Vikas Kumar, Advocate
Mr. Rudrank Shivam Singh, Advocate
For the State : Mr. Sarvesh Kumar, G.P. 24
For the IGIMS : Mr. Sunil Kumar Singh, Advocate
(In Civil Writ Jurisdiction Case No. 354 of 2024)
For the Petitioner/s : Mr. Sanjay Singh, Sr. Advocate
Mr. Vikas Kumar, Advocate
Mr. Rudrank Shivam Singh, Advocate
Mr. Praveen Kumar, Advocate
For the State : Mr. Alok Ranjan, AC to AAG-5
For the IGIMS : Mr. Sunil Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date : 05-04-2024

By order dated 21.03.2024, we had directed that the parties may sit across the table and reach a via-media, which would enable expeditious construction of the Additional Blocks in the Indira Gandhi Institute of Medical Sciences (hereinafter referred to as the 'IGIMS') which is also an emergent public need. We see that the parties have risen up to the occasion and Annexure-J agreement entered into between the hospital authorities and the contractor, produced along with the supplementary counter affidavit.

2. We extract Clauses a, b, c and d:-

“a. M/s PSK Engineering & Construction Co. -Namakkal should complete the Block - A and Block -D with the service blocks within first four months.

b. M/s PSK Engineering & Construction Co. -Namakkal must hand over the remaining



blocks including entire projects in all respect in next four months. i.e. the entire project as per terms of the Agreement must be completed within a total period of eight months.

c. M/s: PSK has submitted that since the contract had been rescinded and machinery, human resources and other infrastructures etc. had been removed from the site and same had been located outside the state for various different projects of the company, authority should consider a mobilisation period of two months. Submission of M/s PSK discussed and reviewed by the committee and decided to agree on it.

d. A Revised Work Schedule with revised mile stone in line of extra time demanded is to be submitted by M/s PSK Engineering & Construction Co. -Namakkal.”

3. There is specific agreement by the petitioner-contractor which has been noticed in clauses a, b and c. Now it is for the petitioner to provide a revised work schedule with revised milestone, insofar as the extra time demanded; which is only of 8 months, after the 2 months for mobilization.

4. The learned Senior Counsel appearing for the petitioner undertakes on behalf of the petitioner that a revised work schedule will be handed over within 2 weeks. The hospital authorities shall consider the same and if the same is agreeable,



the petitioner shall be permitted to mobilize the materials for the work to be carried out, which shall be done positively within 2 months of the date of approval, granted by the hospital authorities.

5. There is a prayer made by the learned Senior Counsel that running bills may be paid so that the contract can be carried out seamlessly. The learned Counsel appearing for the hospital authority submits that it is for the Government to make available the funds for disbursement to the contractor.

6. Learned Government Advocate submits that whenever requisitions are made, the Government would look into it and expedite the disbursement.

7. In the above circumstances, we are of the opinion that there is no requirement for monitoring the work but however either of the parties would be entitled to move an application for revival of this writ petition.

8. We notice that now an agreement has been arrived at between the parties and in such circumstances the rescinding and debarring/blacklisting of the petitioner shall be set aside. Insofar as the penalty, which is imposable by reason of the delay in execution of the work, the hospital authorities would be entitled to consider the representation made by the



petitioner and on being satisfied of the reasons stated, the penalty would also be waived by the hospital authorities.

9. The writ petitions are disposed of by the above order.

10. It is pointed out by both the parties that in the order dated 21.03.2024 at paragraph no. 4 ‘Rs. 160 crores’ is mentioned, which is actually ‘Rs.116 crores’. The same shall stand corrected to be read as ‘Rs.116 crores’ in place of ‘Rs. 160 crores’.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.04.2024
Transmission Date	

