

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.392 of 2019

In
Civil Writ Jurisdiction Case No.13292 of 2018

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1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, 3rd Secretariat, Sichaibhawan, Patna
 2. The Engineer in Chief (Head Quarter) cum Registering Authority Water Resources Department, Govt. of Bihar, Patna
 3. The Chief Engineer Irrigation Creation, Water Resources Department, Siwan, Bihar.
 4. The Superintending Engineer Saran Canal Division, Siwan, Bihar
 5. The Executive Engineer Saran Canal Division, Bhore, District - Gopalganj, Bihar
 6. Sri Arun Kumar Singh S/o not known to the petitioner at present Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
 7. Sri Arun Kumar S/o not known to the petitioner At present posted as Engineer in Chief (Head Quarters) cum Registering Authority Water Resources Department, Govt. of Bihar, Patna.

... .. Appellants

Versus

Kamladitya Constructions Pvt. Ltd. through its Authorized Signatory Abhay Kumar Mishra son of late Chandrama Mishra Resident of Shankat Mochan Nagar, New Police Line , P.S.- Nawada, District - Bhojpur, Bihar.

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Anjani Kumar, AAG-4 Mr. Deepak Sahay Jamuar, AC to AAG-4 Mr. Shailendra Kumar Singh, AC to AAG-4
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-04-2025

Ref. I.A. No. 01 of 2019

Despite providing sufficient opportunity, there is no representation on behalf of the Respondent.



2. Heard I.A. No. 01 of 2019. There is a delay of about 70 days in filing L.P.A. No. 392 of 2019. For the reasons stated in the application read with the affidavit, delay of about 70 days in filing L.P.A. No. 392 of 2019 stands condoned.

3. Accordingly, I.A. No. 01 of 2019 stands allowed.

4. L.P.A. is taken up for final disposal. Respondent – Kamladitya Construction Pvt. Ltd. was a contractor, who was executing certain works of the State Government. The last date of completion of work was stipulated as 23.09.2018 and he had completed only 24.09%. In the result, Show-Cause Notice was issued on 20th December, 2017 as to why he shall not be blacklisted for a period of 10 years on the sole issue that Respondent failed to execute the work timely. On receipt of petitioner's explanation, concerned Appellant proceeded to pass order on 04.07.2018 blacklisting the Respondent for a period of 10 years under Rule 11(Ka)(ii) of the Bihar Contractor Registration Rules, 2007, which was the subject matter of the litigation before the learned Single Judge in C.W.J.C. No. 13292 of 2018. The learned Single Judge has not interfered with the blacklisting order. However, he has kept in abeyance of the blacklisting order till Respondent exhausting the remedy before the Bihar Public Works Contract Disputes Arbitration Tribunal.



5. In this backdrop, the Respondent is stated to have invoked the remedy before the Bihar Public Works Contracts Disputes Arbitration Tribunal. During the pendency of such litigation on account of certain judicial pronouncement an independent Arbitrator was appointed and Arbitration is still in vogue. In this backdrop, the present L.P.A. has been filed. The present L.P.A. No. 392 of 2019 has become redundant in view of later development.

6. Accordingly, the present L.P.A. No. 392 of 2019 stands disposed of as it has become infructuous, reserving liberty to the Appellants to invoke appropriate remedy insofar as keeping in abeyance of the blacklisting order dated 04.07.2018 survives or not for the reasons that there is a change in arbitration authority as on this day.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2025
Transmission Date	NA

