

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7159 of 2024

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Sri Balajee Enterprises, having its Registered Office at 14, Narayan Niwas, Road No. 2, Friends Colony, Ashiana Digha Road, Patna through its Proprietor Kunal Pandey, aged about 47 years, Male, son of Sri Maheshwar Pandey, resident of village Semariya, P.S. Barhara, District Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief cum Additinal Commissioner cum Special Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, North, Building Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, Building Construction Department, Building Circle, Chapra, Bihar.
5. The Executive Engineer, Building Division, Chapra (Saran), Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
For the Respondent/s	:	Mr. Government Advocate 13

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 13-02-2025

Heard the learned counsel for the parties.

2. The petitioner though had bagged the contract as being the successful bidder, but because of several extensions of time required in completing the work, the petitioner was debarred for the period that the work was completed. Nonetheless, the services of the



petitioner was taken and now the work has been completed.

3. The stand of the respondents is that the extension of time has been allowed retrospectively by the Superintending Engineer of the Department.

4. The contention raised on behalf of the petitioner is that the Superintending Engineer of the Department is not competent to give any extension *post-facto*, which extension has to be given by the Departmental Tender Evaluation Committee, failing which it would be difficult for the petitioner to even claim for payment of the work done by him.

5. The debarment order also has lost its force, which also, according to the petitioner, requires to be denotified, lest it would always be an impediment in the petitioner applying as a bidder in any of the Government contracts.

6. Since extension of time has already been allowed by the Superintending Engineer of the



Department, it is expected that necessary decision regarding *post-facto* extension of time shall be taken by the Departmental Tender Evaluation Committee for which the process is clearly delineated and necessary denotification order of debarment also shall be made.

7. Considering the stand of the State, we have no apprehension that such sequel action shall not be taken by the Government.

8. It would be appropriate if a decision in that regard is taken within a period of eight weeks from today.

9. The writ petition stands disposed off accordingly.

10. Interlocutory application/s, if any, also stand disposed off accordingly.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Praveen-II-

AFR/NAFR	NAFR
CAV DATE	NA
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