

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7684 of 2025

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M/s B.M. Engineering Enterprises, Durgachak, Haldia, Purba Mednipur, West Bengal, being represented through its Proprietor, Ananta Kumar Karan, Aged about- 53 years, Gender- Male, Son of Late Shri Bhanu Chandra, Resident of Durgachak Uttar Pally, Near Durgachak Town School, P.O. and P.S.- Durgachak, Haldia, District- Purbi Mednipur, West Bengal-721602

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited Through its Chairman, Registered office at G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai, Maharastra
2. The Chairman, Indian Oil Corporation Limited, Registered office at G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai, Maharastra.
3. The Chief Manager (Contracts), Indian Oil Corporation Limited (Marketing Division), Eastern Regional Office at 9th Floor, Central Wing, Indian Oil Bhavan, 2 Ghariahat Road (south), Dhakuria, Kolkata- 700068 (Tender Inviting Authority).
4. The General manager (Engineering Department), Bihar State Office, Indian Oil Corporation Limited, Office at IndianOil Bhavan, Plot No.-A-6, Patliputra Industrial Area, Patna, Bihar- 800013
5. The Deputy General Manager (Engineering Department), Bihar State Office, India Oil Corporation Limited, Office at Indian Oil Bhavan, Plot No.- A-6, Patliputra Industrial Area, Patna, Bihar- 800013

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Pandey, Adv Mr. Kumar Satyam, Adv Mr. Prakash Raj, Adv
For the Respondent/s	:	Mr. Ankit Katriar, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 09-10-2025 In the instant petition, petitioner has prayed for the following relief(s):-

“For setting aside the Decision of the Respondent Corporation, as contained in the Letter dated 24.04.2025 issued under the signature of the



General Manager (Engineering), Bihar State Office, through which the Petitioner's Registered Works Contract Company has been placed into the 'Holiday list' from the approved list of Vendors/Contractors due to non-payment of Initial Security Deposit, consequentially debarring the petitioner from further entering into any contracts/tenders of the Indian Oil Corporation Ltd. for a period of one year, which is in complete ignorance of the fact that the Petitioner was incapacitated to perform liabilities and obligations under the Tender contract due to several serious health ailments and in absence of any expressed provision for the same under the relevant Clause i.e. 7.0.1.0(i)(k) of the General Clauses of Contract governing the tender agreement;

ii) For further directing the respondents to allow the petitioner to participate in the fresh Tender bearing Reference No.-MAC/ERO/37/2025-26/PT-01, Tender ID-2025_ERO_184512_1 date 08.04.2025 invited by the Respondents;

iii) For further directing the respondents to release the due payments of the Petitioner for the several completed Works Contracts of the Respondents;

iv) For any other relief/reliefs which the Hon'ble court may grant in general interest that may be deemed appropriate and necessary in this case.”

2. The petitioner has been treated under the “Holiday list” of contractors vide communication dated 24.04.2025. The allegations are that the petitioner failed to complete the contractual formalities and submission of ISD even after lapse of fifteen months from the date of issuance of pre-termination



notice dated 01.09.2023. The one and only contention contended by the petitioner is that he was suffering from certain health issues like *“my health was tragically broken down by two times of cardiac arrest, high blood sugar level, kidney problem and lastly one side of my body got paralyzed”* and other domestic issues have been projected for delay.

3. Be that as it may, it is to be noticed that petitioner is M/S B.M. Engineering Enterprise, it is not a proprietorship. Therefore, projecting health issues could not enure to the benefit of petitioner insofar as condonation of more than fifteen months as is evident from the communication dated 24.04.2025.

4. The petitioner had the benefit of interim order dated 03.09.2025. Now the debarment is for a period of one year from 24.04.2025, the remaining period would be around six months and ten days.

5. In the light of these facts and circumstances, order dated 24.04.2025 vide Annexure-P/7 stands modified to the extent that it has effective for a period of six months from today onwards.

6. Learned counsel for the petitioner submitted that certain payments are due with reference to works executed by him, in this regard the petitioner is hereby directed to approach



the concerned authority.

7. The concerned authority is hereby directed to redress the grievance of the petitioner in the event of filing application along with the documents, if any, strictly in accordance with law within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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