

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.273 of 2019

In
Civil Writ Jurisdiction Case No.17889 of 2018

-
1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
 2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna,
 3. The Chief Engineer, (Commerce), North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna,
 4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
 5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
 6. The Junior Electrical Engineer (Revenue)-Cum- Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Virendra Kumar Pandey S/o Late Jagan Nath Pandey, Resident of Village and P.O.- Dumra, P.S.- Kotwa, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd., a Company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka- 560103.

... .. Opposite Parties

with
CIVIL REVIEW No. 277 of 2019
In
Civil Writ Jurisdiction Case No.17227 of 2018

1. The North Bihar Power Distribution Company Limited Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director
2. The Managing Director North Bihar Power Distribution Company Limited Third Floor Vidyut Bhawan, Bailey Road, Patna
3. The Chief Engineer (Commerce) North Bihar Power Distribution Company Limited Third Floor Vidyut Bhawan, Bailey Road, Patna,
4. The Electrical Executive Engineer Electric Supply Division, Motihari
5. The Assistant Engineer (Revenue) Electric Supply Division, Motihari
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-chief Electric Supply Division, Motihari

... .. Petitioners

Versus

1. Ram Pukar Kumar S/o Chandrika Prasad Vill. and P.O.- Siswa, P.S.- Banjaria, Distt.- East Champaran, Bihar



2. M/s Quess Corp Ltd. a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/32, Beliandur Gate, Sarjapur Main Road, Bangalore, Karnataka-560103

... .. Opposite Parties

with
CIVIL REVIEW No. 278 of 2019
In
Civil Writ Jurisdiction Case No.17243 of 2018

1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer (Commerce), North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Rakesh Kumar, S/o Bipin Bihari, Resident of Village and P.O.-Balua Chowk, Gopalpur, P.S. Nagar Thana Motihari, District-East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka-560103.

... .. Opposite Parties

with
CIVIL REVIEW No. 279 of 2019
In
Civil Writ Jurisdiction Case No.17821 of 2018

1. The North Bihar Power Distribution Company Limited Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Commerce) North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer Electric Supply Division, Motihari.
5. The Assistant Engineer Revenue Electric Supply Division, Motihari.



6. The Junior Electrical Engineer (Revenue)-cum- Engineer-in- Charge Electric Supply Division, Motihari.

... .. Petitioner/s

Versus

1. Lalit Kishore Sharma S/o Shivjee Thakur Resident of Village and P.O.- Samara, P.S.- Banjaria, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd. A Company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Kanrnataka- 560103.

... .. Opposite Party/s

with

CIVIL REVIEW No. 280 of 2019

In

Civil Writ Jurisdiction Case No.17229 of 2018

1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Commerce), North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-cum- Engineer-in- Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Raj Kumar Kushwaha, S/o Prabhu Prasad Kushwaha, resident of Village and P.O.- Kararia, P.S.- Kotura, Dist.- East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka- 560103.

... .. Opposite Parties

with

CIVIL REVIEW No. 284 of 2019

In

Civil Writ Jurisdiction Case No.17412 of 2018

1. The North Bihar Power Distribution Company Limited Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited,



Third Floor, Vidyut Bhawan, Bailey Road, Patna.

3. The Chief Engineer (Commerce), North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Pramod Kumar S/o Lal Babu Rai Resident of Village and P.O. Gokhula, P.S. Siswa, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka- 560103.

... .. Opposite Parties

with

CIVIL REVIEW No. 285 of 2019
In
Civil Writ Jurisdiction Case No.17840 of 2018

1. The North Bihar Power Distribution Company Limited Third Floor, Vidyut Bhawan, Bailey Road, Patna through its Managing Director
2. The Managing Director North Bihar Power Distribution Company Limited Third Floor, Vidyut Bhawan, Bailey Road, Patna
3. The Chief Engineer (Commerce) North Bihar Power Distribution Company Limited Third Floor, Vidyut Bhawan, Bailey Road, Patna
4. The Electrical Executive Engineer Electric Supply Division, Motihari
5. The Assistant Engineer (Revenue) Electric Supply Division, Motihari
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-Charge Electric Supply Division, Motihari

... .. Petitioners

Versus

1. Prakash Kumar Pandey S/o Ajay Pandey Resident of Village and P.O.- Panchmandir Chowk, P.s.- Motihari, Distt.- East Champaran, Bihar
2. M/s Quess corp Ltd. a company incorporated under the Indian companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka-560103

... .. Opposite Parties

with



CIVIL REVIEW No. 286 of 2019
In
Civil Writ Jurisdiction Case No.17823 of 2018

1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Commerce), North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-Cum-Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Krishna Kumar Nishad, S/o Jung Bahadur Sahani, resident of Village and P.O.- Siswa, P.S.- Banjariya, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka- 560103.

... .. Opposite Parties

with
CIVIL REVIEW No. 287 of 2019
In
Civil Writ Jurisdiction Case No.17825 of 2018

1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer (Commerce), North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Aman Kumar, S/o Vinay Kumar Mishra, Resident of Village and P.O.- Manguraha, P.S.-Govindgunj, District-East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies



Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnatka-560103.

... .. Opposite Parties

with
CIVIL REVIEW No. 296 of 2019
In
Civil Writ Jurisdiction Case No.17796 of 2018

1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Commerce), North Bihar Power Distribution Company, Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-Cum-Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioner/s

Versus

1. Raghav Sharan Prasad, S/o Late Narsingh Sah, Resident of Village and P.O.- Siswa, P.S.- Banjaria, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka- 560103.

... .. Opposite Party/s

with
CIVIL REVIEW No. 303 of 2019
In
Civil Writ Jurisdiction Case No.17851 of 2018

1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Commerce), North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior electrical Engineer (Revenue)-Cum-Engineer-in-Charge, Electric Supply Division, Motihari.



... .. Petitioner/s

Versus

1. Deepak Kumar, S/o Madan Chaudhari, Resident of Village and P.O.- Singhiya Ward No. 10, P.S.- Banjaria, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka- 560103.

... .. Opposite Party/s

with
CIVIL REVIEW No. 304 of 2019
In
Civil Writ Jurisdiction Case No.17896 of 2018

1. The North Bihar Power Distribution Company Limited Third Floor, Vidyut Bhawan, Bailey Road, Patna through its Managing Director
2. The Managing Director North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna
3. The Chief Engineer (Commerce) North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna
4. The Electrical Executive Engineer Electric Supply Division, Motihari
5. The Assistant Engineer (Revenue) Electric Supply Division, Motihari
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-Chief Electric Supply Division, Motihari

... .. Petitioners

Versus

1. Md. Junaid Alam S/o Md. Manjur Ali Resident of Village and P.o.- Hardia, P.s.- Turkaulia, Distt.- East Champaran, Bihar
2. M/s Quess Corp. Ltd. a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka-560103

... .. Opposite Parties

with
CIVIL REVIEW No. 305 of 2019
In
Civil Writ Jurisdiction Case No.17922 of 2018

1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer (Commerce), North Bihar Power Distribution Company



Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna.

4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Ramesh Kumar S/o Paspas Sah, Resident of Village and P.O.-Siswan, P.S. Banjaria, District-East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka-560103.

... .. Opposite Parties

with
CIVIL REVIEW No. 306 of 2019
In
Civil Writ Jurisdiction Case No.17767 of 2018

1. The North Bihar Power Distribution Company Limited Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Commerce) North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue) Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-cum-Engineer-in-Charge Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Uday Kumar S/o Bhola Prasad Resident of Village and P.O.- Shankar Saraiya Kalwari Tola, P.S.- Turkauli, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd. A company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, karnataka- 560103.

... .. Opposite Parties

with
CIVIL REVIEW No. 307 of 2019
In
Civil Writ Jurisdiction Case No.17949 of 2018



1. The North Bihar Power Distribution Company Limited, Third Floor Vidyut Bhawan, Bailey Road, Patna, through its Managing Director.
2. The Managing Director, North Bihar Power Distribution Company Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, (Commerce), North Bihar Power Distribution Company, Limited, Third Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Motihari.
5. The Assistant Engineer (Revenue), Electric Supply Division, Motihari.
6. The Junior Electrical Engineer (Revenue)-Cum-Engineer-in-Charge, Electric Supply Division, Motihari.

... .. Petitioners

Versus

1. Ajay Kumar, S/o Badri Paswan, Resident of Village and P.O.- Chand Saraiya, P.S. Pipra Kothi, District- East Champaran, Bihar.
2. M/s Quess Corp Ltd., a company incorporated under the Indian Companies Act, 1956, having its registered office at 3/3/2, Bellandur Gate, Sarjapur Main Road, Bangalore, Karnataka- 560103.

... .. Opposite Parties

Appearance :

(In CIVIL REVIEW No. 273 of 2019)

For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr. Nikhil Kumar Agrawal, Advocate
Ms. Aditi Hansaria, Advocate
Mr. Yash Sahay, Advocate

(In CIVIL REVIEW No. 277 of 2019)

For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.

(In CIVIL REVIEW No. 278 of 2019)

For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.

(In CIVIL REVIEW No. 279 of 2019)

For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.

(In CIVIL REVIEW No. 280 of 2019)

For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.

(In CIVIL REVIEW No. 284 of 2019)

For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.

(In CIVIL REVIEW No. 285 of 2019)

For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate



For the Opposite Party/s : Mr.
(In CIVIL REVIEW No. 286 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.
(In CIVIL REVIEW No. 287 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.
(In CIVIL REVIEW No. 296 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.
(In CIVIL REVIEW No. 303 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.
(In CIVIL REVIEW No. 304 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.
(In CIVIL REVIEW No. 305 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.
(In CIVIL REVIEW No. 306 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Karna
(In CIVIL REVIEW No. 307 of 2019)
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Advocate
Mr. Ashok Kumar Karn, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-06-2025 These review applications have been preferred by the respondent nos. 1 to 6 of CWJC No. 17889 of 2018 (Virendra Kumar Pandey vs. North Bihar Power Distribution Company Ltd. & Ors.) and other analogous writ applications which were heard and disposed of by a common order dated 15.04.2019.

2. The writ applications were preferred for issuance of a writ in the nature of certiorari to quash and cancel the order dated 23.07.2018 as contained in Annexure '10' to the writ



application (the leading case being CWJC No. 17889 of 2018) by which the Electrical Executive Engineer, Electric Supply Division, Motihari (Respondent No.4) had cancelled the agreement dated 21.02.2014 entered into between the petitioners and respondent no.4 in terms of Rural Revenue Franchise Scheme, 2013.

3. This Court having heard the parties after completion of pleading, came to a conclusion that the respondent no.4 had cancelled the agreement with the petitioners but even before doing that he had awarded the same work to respondent no.7.

4. This Court examined the provisions of the Scheme whereunder it is clearly stipulated that it is the individual who were to be given preference in the given manner. This Court noticed that in the counter affidavit there was no averment that the respondent no.7 was an applicant and was enlisted in the panel. This Court recorded that the entire process and procedure adopted by respondent authorities in the matter of cancellation of agreement and appointment of respondent no.7 even before cancellation of agreement suffers from arbitrariness and cannot be sustained. The findings of this Court may be found in the following words:

“Nothing has been brought on record before this



Court to demonstrate that prior to going for fresh allotment of work to respondent no. '7', the respondent no. 4 has followed the procedures as provided in the Scheme / modified Scheme. With the rejoinder the petitioner has brought on record a copy of the letter no. 722 dated 27.02.2018 addressed to private respondent no. '7' whereby the work in question has been allotted to respondent no. '7' on 20.07.2018 itself. On perusal of the letter no. 722 dated 20.07.2018 (Annexure-14 in C.W.J.C. No. 17889 of 2018) no doubt remains in the mind of this Court in taking a view that the respondent authorities had already made up their mind to allot the work to respondent no. '7' after removing the petitioner(s). Issuance of show cause notices were thus, an empty formality. It has been found that prior to engagement of respondent no. '7' the North Bihar Power Distribution Company Ltd. had not published any notice inviting tender. No transparency seems to have been followed. In haste the authorities allotted the work to private respondent no. '7' even before taking a decision upon proper consideration of the replies of the petitioner(s). Since this Court comes to a conclusion that cancellation of agreement of the petitioner(s) is liable to be set aside, the order by which the same work were allotted to respondent no. '7' is also liable to be set aside. There are sufficient pleading available on record to take this view. Thus, in the given facts and circumstance, this Court find that the order as contained in Annexure '14' is liable to be held, bad in law, result of a arbitrary decision making process and appointment of respondent no. '7' even before issuance of the letter of cancellation of agreement with the petitioner(s) is nothing but a mala fide exercise of power is a malice in law if not



in fact.”

5. Having reached to the aforementioned conclusion, this Court quashed Annexure ‘10’ in CWJC No. 17880 of 2018 and similar impugned orders of cancellation in other analogous matters as well as Annexure ‘14’ of the rejoinder.

6. In course of hearing, Mr. Anand Kumar Ojha, learned Senior counsel assisted by Mr. Ashok Kumar Karn, learned counsel submits that the review application has been filed only for expunction of the observations in the last line on page no. 19 of the order which reads as under:

“.... but a malafide exercise of power is
a malice in law if not in fact....”

7. Learned Senior counsel submits that the respondents have not challenged the order and in fact have complied with the same, however, at this stage, the only request is to expunge the said observation of the Court. In course of submissions, Mr. Ojha submits that the impugned order which this Court has already quashed may be bad and arbitrary as held by this Court but it is not done with malafide exercise of power, therefore, the observations of this Court that the impugned order was passed by way of malafide exercise of power and it is a malice in law if not in fact may be expunged.

8. On the other hand, Mr. Nikhil Kumar Agarwal,



learned counsel submits that filing of the review applications are wholly uncalled for and is nothing but wastage of the time of the Court. Referring to the scope and ambit of a review application, learned counsel submits that it is not the case of the review petitioners that there is any error apparent on the face of the record in the order under review. If it is so, the review jurisdiction of this Court could not have been invoked.

9. Learned counsel submits that the observation of this Court holding that it is a case of malafide exercise of power which is a malice in law if not in fact is based on the discussions made in the order in which this Court had recorded a finding inter alia that issuance of show-cause notice were only an empty formality and prior to engagement of respondent no.7, the power company had not published any notice inviting tender and no transparency seems to have been followed.

10. It is submitted that in such circumstance, where the observation of this Court is based on a discussion of facts which were evident from the records, there is no need to exercise the review jurisdiction of this Court.

11. Having heard learned Senior counsel for the petitioners and learned counsel for the Opposite Party No.1, this Court is of the considered opinion that in the kind of



submissions made before this Court, the review jurisdiction of this Court cannot be invoked. This Court has already quoted hereinabove its findings which are based on the pleadings available in the writ application. No part of the finding of the Court has been assailed or said to be an error of record. If it is so, the observations made by this Court are well founded. No case for review is made out. These applications are dismissed.

12. This Court is of the opinion that for wasting the precious judicial time, the petitioner-company must pay a sum of Rs. 10,000/- to the Patna High Court Legal Services Committee within four weeks from today.

(Rajeev Ranjan Prasad, J)

Rishi/-

U			
---	--	--	--

