

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14930 of 2025

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Mahavir Pumps Manufacturing Pvt. Ltd, having its registered office at 4, Ho-Chi-Minh Sarani, KBR Complex, Kolkata West Bengal- 700071 through its authorised signatory Debashish Bandyopadhyay, aged about 57 years, Male, son of late Sudhir Bandyopadhyay, resident of M/3, Chandra Nath Road, Dilip Math, Tiljala, South 24 Parganas, PS- Tiljala, West Bengal 700039.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Engineer in Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Regional Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
4. The Superintendent Engineer, Public Health Engineering Department, PH Circle Begusarai.
5. The Executive Engineer, Public Health Engineering Department, PH Division Khagaria, Khagaria

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Nirbhay Prashant, Advocate.
For the State : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 10-09-2025

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“i. For issuance of an appropriate writ/order/direction for quashing and setting aside Memo No. 33 dated 04.01.2021 (Annexure-P/3) issued by the Executive Engineer, Public Health Engineering Department, PH Division, Khagaria (Respondent No. 5), whereby, in an illegal,



arbitrary, malafide and violative manner, and in breach of the principles of natural justice, the petitioner has been debarred from participating in the next tender under Sub-Rule (ii) of Rule 11(a) of the Bihar Contractor Registration Rules, 2007, on the allegation of default in execution of work as per the agreement.

ii. In the alternative, for holding that, in any event, the impugned order of debarment having been operative only till the next tender, the said prohibition has now lost its force and effect and cannot be enforced against the petitioner, and therefore requires no further adjudication.

iii. For grant of an interim order staying the operation, effect and implementation of Memo No.33 dated 04.01.2021 (Annexure-P/3) during the pendency of this writ application, in order to prevent irreparable prejudice to the petitioner and to obviate the manifest illegality till final adjudication of the case.

iv. For issuance of an appropriate writ/order/direction commanding the respondents to permit the petitioner to participate in all present and future tenders without any hindrance, obstruction or adverse inference on account of the impugned order.

v. For further directing the respondents to extend to the petitioner all consequential benefits which would otherwise accrue but for the impugned order of debarment.

vi. For grant of any other relief or reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”

2. Perusal of the records, it is crystal clear that the petitioner had a cause of action on 04.01.2021 with reference to



the relief(s) sought in the present lis. Further, it is to be noticed that he has been debarred till next tender to be notified.

3. The petitioner is not in a position to apprise this Court what is the immediate next tender from 04.01.2021. Further, on speculation, he is submitting that his application for NIT may not be considered. On speculation, Writ Court cannot examine the petitioner’s grievance. Therefore, the petitioner has not made out a case. Hence, instant writ petition stands dismissed, reserving liberty to the petitioner to participate in future tender, if he is otherwise eligible.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2025.
Transmission Date	NA

