

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1284 of 2024

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M/s GLR Traders and Industries having its registered office at IM Jagdish Lok Apartment, West Boring Canal Road, Patna through its proprietor Pankaj Kumar Jha, aged 59 years, male, son of Kamal Nath Jha, resident of 77/J, Anandpuri, P.S.-SK Puri, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, PHED Bhawan, Bailey Road, Patna-800015.
2. The Engineer in Chief cum Special Secretary, Public Health Engineering Department, Government of Bihar, PHED Bhawan, Bailey Road, Patna-800015.
3. The Chief Engineer (Civil), Public Health Engineering Department, Government of Bihar, PHED Bhawan, Bailey Road, Patna-800015.
4. The Superintendent Engineer, Public Health Engineering Zone, Bhagalpur.
5. The Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
6. The Executive Engineer, Public Health Division, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Advocate Mr. Nirbhay Prashant, Advocate
For the Respondent/s	:	Mr. Alok Kumar Rahi, Advocate

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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 : 14-05-2025

Heard Mr. Abhinav Srivastava, the learned

Senior Advocate for the petitioner/company and Mr. Alok

Kumar Rahi, the learned Advocate for the State.

2. The petitioner has approached this Court



against the order of debarment as also for the rescission of the agreement for completing the work. It appears that when no sufficient progress was made in the work, which was allotted to him, the petitioner was debarred from participating in the next bid. However, he was allowed to continue the work by extending the date. The date was finally extended till 13.04.2021.

3. The contention of the State is that till the order of debarment was passed, only 10% of the work had been done and presently only 36% of the work has been completed.

4. The learned counsel for the petitioner, however, had earlier submitted that the work was completed to the extent of 90%.

5. Responding to the statement on behalf of the State that only 36% of the work has been completed up till now, Mr. Srivastava has submitted that a bare look at the supplementary counter-affidavit would demonstrate that such assessment is only based on the analysis of the



measurement book as also the payments made to the petitioner against the bill submitted by it. Since the amount spent up till now was only 36% of the total amount allocated for the purpose, therefore, the assessment of the State is that only 36% to the work has been done.

6. Nonetheless, with this dispute about the percentage of work having been completed by the petitioner, we do not wish to interfere with the order of recession of the agreement.

7. However, it would be open for the petitioner to approach the authorities and explain that within the extended period, maximum work had already been completed. If such an explanation is made before the authorities, it shall be considered in the correct perspective.

8. So far as the order of debarment is concerned, we find from the order impugned that it is operative only till the next tender, which prohibition



against the petitioner may not be effective now.

9. There is no specific statement on behalf of the parties with respect to this aspect of the matter.

10. Nonetheless, when the petitioner would approach the authorities, it would be expected of the authorities to explain that the debarment order was only for the period that the work was not completed and limited to preventing the petitioner from participating in the next/ensuing bid.

11. With the aforementioned observations, the petition stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Bibhash/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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