

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.498 of 2026

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Aarpee Infra Projects (P) Ltd. a company registered under the Companies Act, having its Corporate Office at Room No. 201, 2nd Floor, Infinity Square, Beside PCM Bus Terminus, 2nd Mile, Sevoke Road, P.O. Siliguri 734001, Dist. Jalpaiguri (West Bengal) through its Authorized Signatory Virendra Prasad Singh, (aged about 62 years) (Male) son of Sri Ram Pukar Singh, Resident of Tengrahan Gosalpur, P.S. Muzaffarpur, Dist. Muzaffarpur-84311.

... .. Petitioner/s

Versus

1. The State of Bihar Public Health and Engineering Department, Government of Bihar, PHED Bhawan, Bailey Road, Patna- 800015 through its Secretary.
2. The Secretary, Public Health and Engineering Department, Government of Bihar, PHED Bhawan, Bailey Road, Patna- 800015.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health and Engineering Department, Government of Bihar, PHED Bhawan, Bailey Road, Patna- 800015.
4. The Chief Engineer, North Bihar Wing, Public Health and Engineering Department, Purnea.
5. The Executive Engineer, Public Health and Engineering Department, Araria.
6. The Executive Engineer, Public Health and Engineering Department, Forbesganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Agrawal, Advocate
	:	Mr.Rahul Kumar, Advocate
For the Respondent/s	:	Mr. P.K.Verma, AAG-3
	:	Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 24-02-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The following reliefs have been sought in the
present writ application:



“(i) For issuance of appropriate Writ(s)/Order(s)/Direction(s) especially the writ in the nature of Certiorari for quashing and setting aside the order of debarment/blacklisting of the petitioner's Company vide Office Order No. 17 dt. 08.01.2021 issued vide Memo No. Nil dated Nil and communicated for the first time on 07.01.2026 at 6.01 p.m. by the Respondent Chief Engineer, Purnia Zone, Mr. Vijay Kumar, by WhatsApp message from his Mobile No. 9334026249 to the employee of the petitioner's company, Mr. Shiv Shankar Sharma, on his WhatsApp Number 8116602916 by which the petitioner company has been debarred from participating any future tender of the respondent department even without issuance of any show cause notice or giving any opportunity of hearing which is in complete violation of principle of natural justice and thus the same is wholly illegal, arbitrary as also against the settled law by Hon'ble Supreme Court and this Hon'ble Court;

(ii) For declaration that the said impugned order dt. 08.01.2021 will not apply as a disqualification against the petitioner for the short term tender NIT No. Re 3-09/2025-26 (SBF/SBA/SB-Fe) issued by the Respondent Forbesganj Division on 19.12.2025 for design, construction, supply, testing and commissioning of Piped Water Supply Scheme for habitant left out under "Har Ghar Nal Ka Jal" Nischay under Mukhya Mantri Gramin Payjal Nishcay Yojna under PH Division, Forbesganj in which the extended last date for Receipt/Uploading of the Tender is 15.01.2026 and the date of opening



of the Technical Bid is 16.01.2026 at 17.00 hrs.;

(iii) For directing the Respondents to consider the Petitioner's bid for the said Tender and not to disqualify on ground of debarment which is under challenge, if the Petitioner is otherwise qualified for participation in the bid; and/or to pass such other relief or reliefs for which the petitioner is found entitled to the facts and circumstances of the present case."

3. A counter affidavit has been filed in pursuance of the order dated 22.01.2026, wherein at paragraph nos. 12 to 20 and 23, the following statements have been made:

"12. That since the petitioner failed to complete the work of the subject project even in the extended period of time and despite repeated direction the petitioner has not expedited the work of the scheme though, the petitioner was directed to complete the work of the scheme on or before 31.01.2021.

13. That since the physical progress of the scheme was not satisfactory as such the Executive Engineer, PH Division, Araria vide order contained in Memo No. 48 dated 08.01.2021 debarred the petitioner from next/ future tender.

14. That after receiving the communication of order dated 22.01.2026 the order of debarment dated 31.01.2021 against the petitioner was reviewed and the Assistant Engineer, PH Sub Division, Araria vide Letter No.111 dated 10.02.2026 discussing the up-to-date status of the work executed by the



petitioner recommended to cancel the order of debarment to the Executive Engineer, PH Division, Araria.

15. That pursuant to aforesaid the Executive Engineer, PH Division, Araria vide letter No.248 dated 10.02.2026 made a communication to the Superintending Engineer, PH Circle, Purnea and recommended to cancel the order of debarment of the petitioner.

16. That the Superintending Engineer, PH Circle, Purnea vide Letter No.281 dated 10.02.2026 made a favourable recommendation in favour of the petitioner to the Chief Engineer, PH Zone, Purnea.

17. That the Chief Engineer, PH Zone, Purnea vide Letter No.78 dated 10.02.2026 made a recommendation to cancel the order of debarment of the petitioner to the departmental headquarter.

18. That the matter of cancellation of order of debarment is in active consideration before the department and the department will take a final decision with respect to order of debarment passed against the petitioner.

19. That the petitioner has already been allowed to participate in NIT No. Re 3-09/2025-26 (SBF/SBA/5B-Fe) issued by the Executive Engineer, PH Division, Forbesganj and the technical bid of the petitioner was also evaluated along with bid of the other contractor.

20. That the meeting of Technical Bid Evaluation Committee presided by the Chief Engineer, PH Zone, Purnea held on 02.02.2026 and during



course of evaluation bid of the petitioner and 25 other contractors it was found that the petitioner is not fulfilled the eligibility criteria provided in Clause- 4.5A(B) of the SBD as such his technical bid was not found responsive and consequently it was rejected.

23.That in the facts and circumstances stated above the grievance of the petitioner with regard to withdrawal of the order of debarment is in active consideration before the department and so far the second relief is concerned, it is humbly submitted that the petitioner has already been allowed to participate in NIT No.Re.3-09/2025-26(SBF/SBA/SB-Fe) as such the second relief of the petitioner has already become infructuous.”

4. Considering the statements made in the counter affidavit filed on behalf of the respondents, it transpires that the order of debarment has been proposed to be recalled and the matter has been referred to the competent authority for passing a final order. It further transpires that the petitioner has already been permitted to participate in the tender process in question.

5. In view of the stand taken by the respondents in the counter affidavit, no further order is required to be passed in the present writ application. Accordingly, the writ application stands disposed of in terms of the statements made in the counter affidavit.



6. In the event any adverse order is passed by the authority concerned, the petitioner will be at liberty to challenge the same in accordance with law.

7. Pending application(s), if any, shall also stands disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Nitesh/-

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