

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16693 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 Debasish 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/s

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, Bhagulpur Zone, Bhagalpur.
4. The Superintendent Engineer, Public Health Engineering Department, PH Circle Munger.
5. The Superintendent Engineer, Public Health Engineering Department, PH Circle Begusarai.
6. The Executive Engineer, Public Health Engineering Department, PH Division Khagaria, Khagaria.

... .. 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. P.K. Shahi, Advocate General     |

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**and**

**HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)**

**Date : 13-02-2026**

Heard Mr. Abhinav Srivastava, learned Senior counsel  
for the petitioner and Mr. P.K. Shahi, learned Advocate General for  
the Respondents.



2. Following reliefs are sought for in the present application:

*“ 1 (i) For issuance of an appropriate writ, order, or direction quashing and setting aside the rejection of the petitioner's technical bid dated 03.10.2025 in the Short Term Re-Tender NIT No. MMNPY- 04/PHED/KHG-2025-26/ (SBA/SBFe), which was rejected on the basis of debarment orders dated 02.09.2020 (Memo No. 2256) and 04.01.2021 (Memo No. 33), listed at Serial Nos. 152 & 153 in the debarment list on the official website, as the debarment orders themselves expressly contemplated operation "till the next tender" and have now lapsed, despite which their continued effect is causing ongoing civil consequences to the petitioner, including financial loss, reputational damage, and denial of legitimate business opportunity.*

*(ii) Direct the respondents to consider and evaluate the petitioner's technical bid and open its financial bid in accordance with the terms and conditions of the Tender Document;*

*(iii) Quash the debarment orders dated 02.09.2020 (Memo No. 2256) and 04.01.2021 (Memo No. 33) issued under Sub-rule (ii) of Rule 11(a) of the Bihar Contractor Registration Rules, 2007, as arbitrary, illegal, and without jurisdiction;*



*In the alternative, for a declaration that the debarment orders dated 02.09.2020 (Memo No. 2256) and 04.01.2021 (Memo No. 33), as the debarment orders themselves expressly contemplated operation "till the next tender", have now ceased to operate, and that their continued listing is causing ongoing civil consequences to the petitioner, including financial loss, reputational damage, and denial of legitimate business opportunity, and therefore cannot be enforced against the petitioner.*

*(iv) For a direction to the respondents to remove the petitioner's name from the debarment list published on the official website of the Public Health Engineering Department, Bihar, Patna, as the debarment orders were operative only till the next tender, have now ceased to operate, and their continued listing is causing ongoing civil consequences to the petitioner, including financial loss, reputational damage, and denial of legitimate business opportunity, and therefore cannot be enforced against the petitioner.*

*(v) For directing Respondent No. 3 to cancel the award of contract or the purchase order, if any;*

*(vi) For directing the Respondent No. 3 not to proceed further or issue any order in the Short Term Re-Tender NIT No. MMNPY-*



*04/PHED/KHG-2025-26/(SBA/SBFe) till the final disposal of this writ;*

*(vii) Award the cost of present writ petition to the Petitioner;*

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

3. Learned counsel for the petitioner submits that he does not want to press prayer no. 1(iii) in the writ application.

4. Learned counsel for the State submits that the petitioner had also submitted its bid in different NIT and upon being declared successful, different agreements were entered into by the petitioners with Executive Engineer, PH Division, Khagaria and an agreement dated 11.10.2019 was executed between the petitioner and the Executive Engineer, PH Division, Khagaria. The scheduled date of completion of the work of the different schemes was six months from the date of execution of work order and the respondents are bringing on record the work order where the petitioner has not completed the work within the stipulated period. Despite repeated oral and written direction to the petitioner, the petitioner had not taken any interest to expedite the work of the subject scheme as such the Executive Engineer requested the Chief Engineer to debar the petitioner with respect to



Agreement No. MBD-185/2019-20. Pursuant to the aforesaid, the Chief Engineer issued a show cause notice to the petitioner with a direction to submit his explanation till 14.07.2020 failing which appropriate action in accordance with Rules shall be taken against him. The petitioner even failed to appear in the meeting presided by the District Magistrate, Khagaria to review the progress of the subject scheme. Thereafter, the Executive Engineer again issued a show cause notice dated 09.12.2020 with a direction to submit his explanation for not taking interest in the work of subject scheme. The petitioner failed to expedite the work of the subject schemes and there was no physical progress in the work of the subject schemes and thereafter the Department had debarred the petitioner vide order dated 04.01.2021.

5. Learned counsel for the petitioner submits that earlier the authority has issued the debarment order contained in Memo No. 33 dated 04.01.2021. The petitioner has challenged the debarment order contained in Memo No. 33 dated 04.01.2021 in CWJC No. 14930 of 2025 and the same was dismissed **“reserving liberty to the petitioner to participate in future tender, if he is otherwise eligible”** vide order dated 10.09.2025.

6. Learned counsel for the petitioner submits that the respondent Executive Engineer, Public Health Division, Khagaria,



issued a Short Term Re-Tender Notice vide Re-Tender NIT No. MMNPY-04/PHED/KHG-2025-26/(SBA/SBFe) [hereinafter referred as “NIT”] ON 19.08.2025 through e-procurement mode on the official website of eProc2 for the work titled for the work in question (Annexure-2 of the writ petition).

7. Learned counsel for the petitioner submits that the respondents uploaded the Financial Bid Sheet, Bill of Quantity (BoQ), and the Bidding Document on the official website along with the NIT. The petitioner submitted its tender on 04.09.2025. Apart from the petitioner, other four participants have also participated in the said tender. Learned counsel for the petitioner submits that on the same date i.e. 10.09.2025 when the writ court has passed the order in CWJC No. 14930 of 2025, the petitioner was asked to provide clarification with regard to the debarment listed at Serial No. 153 of the debarment list vide Memo No. 2345 and the same was communicated to the petitioner through an email dated 10.09.2025. The petitioner filed his clarification on 12.09.2025, stating therein that the said debarment order itself contemplated operation only in the “next tender” and since the date of the debarment, various tenders have been invited either by the Department or in the State of Bihar and therefore, the effect of the debarment order ceased as soon as the “next tender” was



invited. Learned counsel for the petitioner further submits that a meeting of the Technical Committee was held on 03.10.2025 wherein the technical bid of the petitioner was rejected on the ground that the bidder had been debarred as reflected at Serial Nos. 152 & 153 of the debarment list and the clarification submitted by the petitioner was rejected and the same was communicated to the petitioner vide Letter No. 2502 dated 04.10.2025 requesting him to file objections within three days, if so advised. The petitioner filed his objection on 06.10.2025, stating therein that the said debarment order itself contemplated operation only in the “next tender” and since the date of the debarment number of tenders have been invited by the Department or in the State of Bihar, the effect of the debarment order stood ceased as soon as the “next tender” was invited.

8. The limited issue for consideration before this Court is whether debarment can continue for an indefinite period particularly when the order itself mentions ‘debarred in next tender’ and whether the same is in contravention to Rule 11 of the Bihar Contractor Registration Rules, 2007.

9. Learned counsel for the petitioner submits that in view of the aforesaid, it appears that the Department has debarred only in the “next tender to be notified” and after issuing the



aforesaid debarment letter, various tenders have been invited either by the Department or in the State of Bihar, the effect of the debarment order stood ceased as soon as the “next tender” was invited. The Technical Committee while rejecting of the petitioner’s bid ignored this explicit limitation and acted contrary to the terms of the debarment order. Learned counsel for the petitioner relied upon Rule 11 of the Bihar Contractor Registration Rules, 2007, which is quoted hereinbelow:

***“11. Black-Listing and Suspension:-***

*(a) Contractors registered in any of the classes shall be liable for black-listing or demotion to a lower class or suspension for a specified period if he personally or any partner of the firm or company, or any of its director(s) or employee(s) or representative(s) indulge (s) in any of the following malpractices :-*

- (i) Indisciplined behavior with any officer or employee of the concerned department.*
- (ii) Creating law & order problem in Government Office during receipt of tender papers, opening of tenders or any work related thereto;*
- (iii) Threatening or attacking any officer or employee of the department.*
- (iv) Participating in or boycotting tenders by forming a cartel.*



*(v) On failure to execute the agreement within the stipulated period after allotment of work if repeated on more than one occasion.*

*(vi) Failure to abide by conditions of Agreement and standing instructions therein during execution of work.*

*(vii) Subletting any work without consent of the department to another contractor or any other individual.*

*(viii) Selling Government material like Cement. Steel and Bitumen etc.*

*(ix) On submission of false or forged security as earnest money and forged documents.*

*(x) On being convicted for any criminal activity.*

*(xi) Submission of tender in such circle in which his close relative(s) is/are posted as divisional accountant or any officer not below the rank of junior engineer. Close relative means husband/wife /mother/father/brother of sister.*

*(xii) In the event of a contractor being blacklisted by any other Government department.*

*(b) (i) If any person as mentioned in clause 11(a) of this rule indulges in any malpractice as described in sub clause (i) to (v) of 11 (a) then the registration of the concerned contractor may be demoted to a lower class permanently. If he indulges in more than one*



*malpractice as described in sub clause (i) to (v) of 11 (a) then the concerned contractor may be blacklisted.*

*(ii) If any person as mentioned in clause 11(a) of this rule indulges in any malpractice as described in sub clause (vi) to (xii) of 11(a) then the concerned contractor may be black listed.*

*(c) Before black-listing or demoting or suspending any contractor, he shall be given an opportunity to show-cause.*

*(d) The order for black-listing/suspension shall be passed by the officer who is competent to register the contractor or by the officer under whom the registering officer works.*

*(e) The contractor can file an appeal within thirty days against the punishment related black-listing/demotion/suspension before the Commissioner and Secretary/Secretary of the Department.*

10. Learned counsel for the petitioner submits that Rule 11 of the Bihar Contractor Registration Rules, 2007, stipulates that the blacklisting or demotion to a lower class or suspension can only be for a specified period. In the present case, the authority has debarred the petitioner only in the “next tender to be notified”



and after the debarment order dated 04.01.2021, the State authority as well as Department had issued a number of NIT the effect of the debarment order ceased as soon as the “next tender” was invited by the Department. Apart from aforesaid, the Division Bench of this Court by order dated 10.09.2025 passed in CWJC No. 14930 of 2025 has indicated “reserving liberty to the petitioner to participate in future tender, if he is otherwise eligible.

11. We have heard learned counsel for the parties. From perusal of the debarment order dated 04.01.2021, it is evident that the petitioner was debarred only “in the next tender to be notified”. Apart from aforesaid, a Coordinate Bench of this Court in CWJC No. 14930 of 2025 vide order dated 10.09.2025 observed that “reserving liberty to the petitioner to participate in future tender, if he is otherwise eligible”. It appears that the petitioner was eligible with respect to NIT in question and Rule 11 of the Bihar Contractor Registration Rules, 2007 stipulates the blacklisting or demotion to a lower class or suspension for a specified period, and in the present case the debarment was only for the next tender to be notified and thereafter a number of tenders have been invited by the Department so the petitioner is eligible for consideration for the NIT in question.



12. In view of the aforesaid, the order dated 03.10.2025 (Annexure-P/7) is set aside. The writ petition stands allowed and the matter is remitted back to the respondent-authority for reconsideration of the technical bid of the petitioner in accordance with law.

13. Pending application(s), if any, shall also stand disposed of.

**(Sudhir Singh, J)**

**( Rajesh Kumar Verma, J)**

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