

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19748 of 2025

Vijay Raj Mewar Construction Co. (P) Ltd. having its Registered Office at Ranglalhi, District West Champaran, Bihar through its Director Arvind Kumar Rai, Male, aged about 52 years, Son of Prem Shankar Rai, Resident of Madhua, P.S. Dhanaha, District West Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Engineer-In-Chief, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (South), Building Construction Department, Government of Bihar, Patna.
4. The Executive Engineer, Building Division- Munger, District Munger, Bihar.

... .. Respondent

Appearance :

For the Petitioner : Mr. Prabhat Ranjan, Advocate
For the Respondents : Mr. Rakesh Kumar Ranjan, A.C. to G.A.-5

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 24-06-2026

Heard learned counsel for the petitioner and learned counsel for the respondents.

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

“1 (i) Quashing of the ex parte order as contained in Letter No. 769 dated 27.06.2025 (Annexure P/7) by which, the Respondent No. 4, without issuing any Show Cause Notice and absolutely without



jurisdiction has debarred the petitioner from participating in any further tender till the time desired progress in the work/project is not achieved;

(ii) Restraining the Respondent from taking any coercive and giving effect to the order of debarment as contained in Letter No. 769 dated 27.06.2025 (Annexure P/7) during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."

3. The brief facts of the case are that the petitioner participated in a tender floated by the respondent authorities, and was declared successful. Pursuant thereto, a Letter of Acceptance was issued in favour of the petitioner dated 05.02.2025, and a provisional work order was issued dated 19.02.2025. The work/construction was to be started from 19.02.2025 itself, and was to be completed by 18.02.2026. Thereafter, an agreement was also executed between the parties dated 26.05.2025. Subsequently, on 27.06.2025 the authorities issued a debarment order against the petitioner on the ground that desired progress in the work has not been achieved. It was further alleged by the authorities that the petitioner has not shown any interest in completion of the said work and therefore, the order of debarment is being passed which will be effective



till the desired progress in work is not achieved. By way of filing the present writ application, the petitioner has challenged the debarment order dated 27.06.2025.

4. Learned counsel for the petitioner submits that no show cause notice was issued to the petitioner before the impugned action of debarment was taken against him. It is submitted that the action of debarment being in nature of serious civil consequence requires an issuance of show cause notice, and therefore, the impugned order passed by authorities is in grave violation of principles of natural justice. It is further submitted that even after the issuance of work order, there was an encroachment existing on the site of construction. It is submitted that after the concerned circle officer submitted the measurement/demarcation of the construction site dated 05.05.2025, the petitioner and respondent authorities entered into an agreement dated 26.05.2025 whereafter, the petitioner commenced the work.

5. Learned counsel for the respondent-state submits that a work order was issued to the petitioner on 19.02.2025, and the petitioner was supposed to start the work from 19.02.2025 itself. It is further submitted that the site for the work was also made available to the petitioner on 18.02.2025. It



is submitted that despite several reminders given to the petitioner to start and complete the said work, the petitioner failed to do so, and the desired progress in the work was not achieved. It is further submitted that the petitioner had already been issued a show cause notice dated 20.05.2025 (Annexure – R/C to the counter-affidavit), contemplating the action of the debarment against the petitioner. It is thus submitted that the impugned order passed by the authorities does not suffer from any violation of principles of natural justice.

6. The limited issue that arises for consideration is that whether before passing of the impugned order dated 27.06.2025, any valid show cause notice was issued upon the petitioner contemplating the action of debarment against him by the competent authority.

7. Upon, perusal of materials on record it is evident that a provisional work order was issued to the petitioner on 19.02.2025. It is further clear that no significant progress was achieved in the construction/work, and the agreement was entered into between the parties only on 26.05.2025. It is also evident that several communications were made to the petitioner regarding progress of the said work, and even the petitioner had put forward his concerns before the authorities.



8. However, one month after the date of agreement the impugned order of debarment dated 27.06.2025 was passed, which is well before the date of completion of work, i.e., 18.02.2026. As such, we fail to understand the need of passing such an order at this early stage without giving a reasonable opportunity to the petitioner to show significant progress in work/construction.

9. Further, debarment is a serious civil consequence which results in restrictions on future commercial participation. Thus, an order of debarment must be passed in accordance with law, and following the principles of natural justice. The rule of *audi alteram partem* (hear the other side) is a fundamental tenet of the principles of natural justice. A show-cause notice provides the petitioner with a meaningful opportunity to file a comprehensive reply, thereby ensuring their right to a fair hearing before any adverse decision is made.

10. A counter affidavit has been filed on behalf of respondent nos. 1 to 4. As per the counter affidavit, it has been submitted that the show cause notice was issued upon the petitioner on 20.05.2025, which is Annexure-R/C to the said counter affidavit. Interestingly, after the issuance of the said show cause, the authorities decided to enter into an agreement



dated 26.05.2025, i.e., within a span of six days from the date of the said show cause notice.

11. Further, the authorities, proceeded to issue the order dated 27.06.2025 imposing debarment against the petitioner. If the authorities had concerns against the petitioner, appropriate actions could have been taken against the petitioner before entering into the agreement. *Prima facie* it appears that the authorities concerned without any application of mind have proceeded to issue the impugned order. As such, the issued show cause notice dated 20.05.2025, cannot be said to be a valid show cause notice for action taken on 27.06.2025, particularly when the authorities themselves entered into an agreement dated 26.05.2025.

12. Considering the aforesaid, we are of the view that the impugned order dated 27.06.2025 is passed in gross violations of principles of natural justice, without issuance of any valid show cause notice.

13. Accordingly, the order dated 27.06.2025 (Annexure P – 7 to the Writ Petition) is set aside. However, it is made clear that the respondent authorities would be at liberty to take necessary action in accordance with law after following the principles of natural justice.



14. With the aforesaid observations and direction, the present writ application stands allowed.

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

(Sudhir Singh, J)

(Ranjan Kumar Jha, J)

U.K./-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	29.06.2026
Transmission Date	N/A

