

(2023) 02 PAT CK 0072

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 16662 Of 2022

Om Shanti Construction

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Feb. 27, 2023

Hon'ble Judges: P. B. Bajanthri, J; Arun Kumar Jha, J

Bench: Division Bench

Advocate: Baidya Nath Prasad, Kumar Alok

Final Decision: Disposed Of

Judgement

1. In the instant petition, petitioner has prayed for the following relief:-

"(i) A certiorari to setting aside the order no. 16 dated 17.06.2022 issued by the office of the Executive Engineer Rural Work Department Work Division Madhubani vide Letter No.- 1255 dated 17.06.2022 by which the Executive Engineer passed an order to debarred the petitioner from the maintenance work of M.R.. 3054 of P.W.D.. Road from Brahmota to Bhawanipur Mandir and cancelled the agreement no. 07MBD/2017-18 and also passed an order to blacklist the petitioner from other works and seized all security deposits of the petitioner.

(ii) A certiorari to setting aside the letter no. 1900 dated 05.07.2021 issued by the office of the Engineer-in-Chief Rural Work Department, Bihar by which recommended to cancel the agreement no. 07MBD/2017-18 and debarred the petitioner from the work of P.W.D. Road from Brahmota to Bhawanipur Mandir and also recommend to blacklisted the petitioner and seized his all security deposits.

(iii) A certiorari to setting aside the entire process initiated against the petitioner in the light of order no:-16 dated 17.06.2022 passed by the Executive Engineer Rural Work Department Work Division Madhubani on the recommendation of letter no. 1900 dated 05.07.2021 passed by the Engineer-in-Chief Rural Work Department, Bihar, Patna.

(iv) Any other writ/writs for granting any other relief/reliefs for which the petitioner is found entitled to in the fact(s) and circumstances(s) of the present case."

2. Prima-facie, relief insofar as debarment and cancellation of agreement is concerned the petitioner has statutory remedy before the Bihar Public Works Contracts Disputes Arbitration Tribunal. Insofar as blacklisting is concerned perusal of records it is evident that it is only a proposal and it has not attained finality so as to interfere with the issue of blacklisting.

3. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke writ jurisdiction in the event of final order is passed insofar as blacklisting is concerned.