IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2727 of 2026

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JKM Infra Projects Ltd. A-28, Sector-9, Noida Uttar Pradesh-201301 having its Regional Office at Flat N. 403/404, Gorakh Nath and Lila Apartment, East Boring Canal Road, Patna 800001 through its authorized signatory Deepak Kumar, Male, aged about 45 years, Son of Devendra Mahto, Resident of Ward No. 5, Vaibhav Nagar, Awaleshpur, P.S. Chitaipur, Kandawa, District-Varanashi Uttar Pradesh.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief cum Additional Commissioner cum Special Secretary (Works Management) Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (Contract Management), Road Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, Road Construction Department, Road Circle, Purnia, District Purnia, Bihar.
5. The Executive Engineer, Road Construction Department, Road Division, Kishanganj, District Kishanganj, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate. Mr. Subham Prakash, Advocate
For the Respondent/s	:	Mr. S.D.Sanjay, A.G. Mr. Mohit Agrawal, AC to AG Mr. Lokesh Kumar, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-09-2026

Heard learned counsel for the parties.

2. This petition has been filed by the petitioner with the following prayers:

"(i) Quashing of the exparte order of debarment as

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> *contained in Memo No. 921 (E) dated 07.02.2026 (Annexure P/10) by which, the Engineer in Chief cum Registering Authority without issuing any Show Cause Notice and even before the completion date for the work was yet to lapse, has debarred the petitioner permanently from participating in any future tenders; and*
> *(ii) Restraining the Respondents from giving effect to or taking any coercive action in terms of the order bearing Memo No. 921 (E) dated 07.02.2026 during the pendency of the present writ application and/or the without the leave of this Hon'ble Court."*

3. The challenge in the petition is primarily to the order dated 07.02.2026 (Annexure-P/10) passed by the respondents, whereby they have debarred the petitioner. According to the learned counsel for the petitioner, this debarment is from participating in future tenders.

4. We have, in our order dated 20.02.2026, culled out the grounds of challenge raised in the petition in the following manner:

> *"Learned counsel for the petitioner has challenged the order dated 07.02.2026, whereby the petitioner has been debarred from participating in tenders by the Department. It is submitted on behalf of the petitioner that, in respect of the project "Fatehpur to Galgaliya via Piltola (L-79.50 Km), District-Kishanganj", the time for completion of the said project had already been extended and duly approved up to 31.03.2026 by the Engineer-in-Chief vide Annexure-P/9. It is submitted that Annexure-P/10, issued vide Memo No. 921(E) dated 07.02.2026, in respect of the aforesaid project, is in contravention of Anenxure-P/9, as the period for completion stood extended by the same authority.*
> *2. Learned counsel for the petitioner further submits that prior to issuance of Annexure-P/10, no show*

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cause notice was served upon the petitioner as mandated under the Department's Letter No. 7356(S) dated 19.12.2023 (Annexure-P/12).
3. On the aforesaid two grounds, the order of debarment has been challenged before this Court.
4. In view of the submissions advanced, learned counsel for the State is directed to file a specific counter affidavit, dealing with the issues raised hereinabove, within a period of two weeks.
5. In the meantime, the operation of the order of debarment dated 07.02.2026 shall remain in abeyance until further orders.
6. Put up this matter on 09.03.2026. "

5. A perusal of the aforesaid order dated 20.02.2026 would reveal that one of the submissions of Mr. Prabhat Ranjan, learned counsel for the petitioner is that the petitioner was not issued any show cause notice before the order of debarment was passed.

6. The aforesaid submission is contested by the learned counsel for the respondents by stating that the respondents had issued three show cause notices to the petitioner clearly specifying the purpose for issuing the same i.e. for debarment. According to him, pursuant thereto, the petitioner had submitted the reply without taking any objection on the competency of the officer to issue a show cause notice and also that the proper procedure for issuing a show cause notice has not been followed. Rather the petitioner has submitted his reply on the merits of the show cause notices.

7. This submission of the learned counsel for the

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respondents has not been seriously contested by the learned counsel for the petitioner.

8. If that be so, this plea of Mr. Ranjan is rejected.

9. The second ground of challenge is that the order of debarment is open-ended, without specifying any time period for which the debarment shall have the effect.

10. In this regard, Mr. Ranjan has drawn our attention to Pages 46-47 of the paper book, which is the debarment order. He submits, given the scope of the order, the debarment will act against the petitioner for all times to come.

11. The connected submission of Mr. Ranjan in this regard is that the debarment order was passed on 07.02.2026, after the contract was extended by the respondents vide letter dated 07.01.2026. In other words, it is his submission that the time period having been extended there was no reason for the respondents to pass an order of debarment.

12. On this, the learned counsel for the respondents states that appropriate shall be that the order dated 07.02.2026 of debarment be set aside to enable the Respondent No. 2 pass a fresh order on the show cause notices issued to the petitioner by considering all the relevant facts, including the reply submitted by the petitioner to those show cause notices.

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13. If that be so, we accordingly set aside the order dated 07.02.2026 (Annexure-P/10) and remand the matter back to the Respondent No. 2, who shall, after taking into consideration the replies filed by the petitioner to the show cause notices and also the fact as canvased by Mr. Ranjan that vide letter dated 07.01.2026 (Annexure-P/9) the respondents had extended the period to execute the contract, pass a fresh order in accordance with law.

14. It goes without saying that the fresh order in terms of this order shall be passed by the Respondent No. 2 within a period of six weeks from the date of receipt/production of this order.

15. The writ petition stands disposed of.

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

(V. Kameswar Rao, CJ)

(Sudhir Singh, J)

Sujit/U.K.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2026
Transmission Date	

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