

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 4858 of 2017

M/s Uday Prasad, registered Partnership firm, having its Office at Radha Gopal Gali, Chatra, P.O., P.S. & District – Chatra (Jharkhand) through one of its Partner Uday Prasad, son of Late Radha Gopla Lal, Resident of Radha Gopal Gali, Chatra, P.O., P.S. & District – Chatra (Jharkhand).

Petitioner

-versus-

1. The State of Jharkhand through Principal Secretary, Rural Work Department cum Chief Executive Officer, J S R R D A, Jharkhand, Ranchi, having its Office at 2nd Floor, F F P Building, Dhurwa, P.O. & P.S. – Dhurwa, District – Ranchi (Jharkhand).
2. Engineer-in-Chief cum Additional Commissioner cum Special Secretary, Rural Works Department, having its Office at 2nd Floor, F F P Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi (Jharkhand).
3. The Chief Engineer, Rural Works Department, Jharkhand State Rural Road Works Authority (J S R R D A), Chatra, P.O., P.S. & District – Chatra (Jharkhand).
4. The Chief Engineer, Jharkhand State Rural Road Works Authority (J S R R D A), Officer at Project Building Dhurwa, P.O. & P.S. Dhurwa, District – Ranchi (Jharkhand).
5. Superintending Engineer, Rural Work Circle, Rural Works Department, Hazaribag, P.O., P.S. & District – Hazaribag (Jharkhand).
6. Executive Engineer, Rural Works Development, Works Division Chatra cum Project Officer, Jharkhand State Rural Road Works Authority (J S R R D A), Chatra, P.O., P.S. & District Chatra (Jharkhand).

Respondents

CORAM : HON'BLE MR. JUSTICE ANANDA SEN

For the Petitioner : Mr. R.S.P. Sinha, Sr. Advocate
Mr. Rakesh Kumar Sinha, Advocate

For the Respondents : Ms. A. Bharadwaj, J.C. to A.G.
Mr. Jagdesh, Advocate
Dr. Ashok Kumar, Advocate

2/ 30.04.2018 Petitioner in this writ application has prayed for a mandamus to extend the period of registration of the petitioner's firm for a period of 2 years 6 months from the date of expiry of the registration.

2. The petitioner is a partnership firm and is a registered contractor under the Rural Works Division, Government of Jharkhand. Petitioner is a Class I Contractor, as per the said registration, having registration No.02981029611. The registration of the petitioner was renewed from time to time and his last renewal was on 02.07.2011. It is the

admitted case of the parties that a registration remains valid for a period of 5 years and the same has to be renewed. The petitioner claims that the dispute arose between him and the department in respect of a penal action taken against the petitioner, for which he along with others were debarred from participating in any tender by the Rural Department and J S R R D A. Petitioner further claims that he challenged the said order before the High Court and by judgment dated 13.05.2016, the letter dated 18.10.2013, imposing punishment, was quashed directing the respondents to take fresh decision in accordance with law. The said order was quashed on the ground that it had violated the principles of natural justice and also on the ground of non-application of mind. Petitioner is claiming that he was debarred by the Department by virtue of the order dated 18.10.2013, which remained in force till 13.05.2016, i.e., the date when the writ application of the petitioner was allowed. He submits that since for more than 2 years 6 months, the petitioner could not perform any work, the period of registration should be extended beyond the date of expiry for a further period of 2 years 6 months. Petitioner submits that the validity of registration needs to be extended on the facts of the case. On this basis, petitioner has preferred this writ application.

3. Aforesaid facts mentioned in this case are undisputed. It is also undisputed that the registration of the petitioner is for a period of 5 years with effect from 02.07.2011. The Registration Certificate will automatically lapse after the end of 5 years from the date of its renewal. Learned counsel for the petitioner failed to show any provision of the Jharkhand Government which provides for extension of validity period of a Registration Certificate. The only ground taken by the petitioner is that since the petitioner was debarred from participating in any tender, so the period of his debarment should be excluded from the validity period of the registration and the period of registration should be, accordingly, extended.

4. This plea of the petitioner cannot be accepted. A Registration Certificate, which is for a particular period, lapses with time provided in it. The only remedy is renewal of the same and in absence of any specific provision in law, same cannot be extended nor it can be deemed to be extended. If the petitioner was not allowed to work in any period during the validity of the registration, the petitioner has got other alternative remedy,

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one of them being making a claim for damages, but the period of registration cannot be extended. Further when there is no provision in law to extend the period of Registration Certificate, this Court cannot extend the period, exercising Article 226 of the Constitution of India.

5. Thus, I find that the claim of the petitioner is not in accordance with law nor has it any legal backing. Further, the petitioner has got no legal right to get his validity period of registration certificate extended.

6. Keeping in view that the petitioner has got no legal right of extension, the same cannot be enforced by filing a writ application. Thus, I find no merit in this writ application. The same is, accordingly, dismissed.

(Ananda Sen, J.)

Kumar/Cp-02