

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2095 of 2015

Oblum Electrical Industries Private Limited, through Mr. Suhas Jagtap, its
Commercial Executive at Head Office, A-16 & 17, Assisted Private Industrial
Estate, Balanagar, Hyderabad- 500037, Andhra Pradesh

.... Petitioner

Versus

1. The North Bihar Power Distributing Company Limited, through its
Managing Director, Vidyut Bhawan, Jawaharlal Nehru Marg (Bailey Road),
Patna- 800001, Bihar
2. The Managing Director, North Bihar Power Distributing Company Limited,
Vidyut Bhawan, Jawaharlal Nehru Marg (Bailey Road), Patna-800001,
Bihar
3. The Chief Engineer (S&P), North Bihar Power Distributing Company
Limited, Vidyut Bhawan, Jawaharlal Nehru Marg (Bailey Road), Patna-
800001, Bihar
4. The Electrical Superintending Engineer (S&P), North Bihar Power
Distributing Company Limited, Vidyut Bhawan, Jawaharlal Nehru Marg
(Bailey Road), Patna- 800001, Bihar

.... Respondents

Appearance :

For the Petitioner : Mr. Akashdeep, Advocate
For the Respondents : M/s Shyameshwar Kr. Singh,
Anand K. Ojha, Advocates

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-02-2015

I have heard learned counsel for the petitioner and the
respondents.

Learned counsel for the petitioner confines this writ
application to the part of the order (Annexure 7) by which the
petitioner has been barred from taking part in future tender and other
business dealing with the North Bihar Power Distribution Company
Ltd. for a period of two years from the date of issuance of Annexure 7
dated 08.09.2014.

Learned counsel for the petitioner raises a short question that the order to debar the petitioner for two years from participation in any future tender and other business dealing with North Bihar Power Distribution Company Ltd. has been taken unilateral behind his back without issuing any show cause notice upon him.

Learned counsel submits that for the authorities also the cardinal principle of *audi alteram partem* would be applicable and they also have to see that the principle of natural justice is followed.

Learned counsel for the respondents submits that, for several points raised in the writ application, he will have to file a counter affidavit, however, at the same time he is not in position to controvert, after seeking instruction, the issue raised by the petitioner that the order impugned was passed without issuing any show cause notice.

In above view of the matter this Court would be constrained to hold the order passed suffers from the vice of arbitrariness being in teeth of the principle of natural justice.

Accordingly, this writ application is allowed and following part of the order as contained in Annexure 7 is quashed and set aside:-

“In view of the facts explained above, North Bihar Power Distribution Company Ltd. takes following decision:-

(1) Debarment of M/s Oblum electrical Industries

Pvt. Ltd., A-16 & 17, Assisted Private Industrial Estate, Balangar, Hyderabad-500037 (India) for taking part in future tender and other business dealings with North Bihar Power Distribution Company Ltd. for a period of 02 (two) years from the date of issuance of this letter.

This order shall come into force with immediate effects.”

However, before parting with the matter, I must indicate that this order will not come in the way of the authorities from taking fresh steps in the matter in accordance with law.

(Dr. Ravi Ranjan, J)

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