

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10241 of 2015

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M/S ESMECO, A partnership firm having its office at 43, Jamuna Apartment, Boring Road, P.S. S.K.Puri, District Patna through one of its Partners Shiv Kumar Agrawal son of Late Keshari Chand Agrawal, Resident of 44, Jamuna Apartment, Boring Road, P.S. S.K. Puri, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Energy, Government of Bihar, Sinchai Bhawan, Patna.
2. The South Bihar Power Distribution Company Ltd., Patna, Bihar, a Government of Bihar undertaking, having its registered office Vidyut Bhawan, Bailey Road, Patna through its Chairman.
3. The Director (Finance), South Bihar Power Distribution Company Ltd., Patna, Bihar, having its Office Vidyut Bhawan, Bailey Road, Patna
4. The Chief Engineer, Department of Store and Purchase, South Bihar Power Distribution Company Ltd., Patna, Bihar, having its Office Vidyut Bhawan, Bailey Road, Patna
5. The Electrical Superintending Engineer, Department of Store and Purchase, South Bihar Power Distribution Company Ltd., Patna, Bihar, having its Office Vidyut Bhawan, Bailey Road, Patna.
6. The Chief Engineer (Planning), Department of Planning, North Bihar Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Raod, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Arjun Kumar, Advocate

For the Respondent/s : Mr. R.K. Priyadarshi, SC-32

Mr. Kundan Kumar, AC to SC-32

For the Respondent nos. 2-6:Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-10-2015 The petitioner is a supplier of earthing pipes to the respondent company but supplies were found not of matching quality and thus by the impugned order bearing Memo No. 941 dated 24.6.2015 the petitioner was blacklisted by the Chief Engineer.

This matter was heard on 21.09.2015 and this Court taking notice of the plea raised by the petitioner that the order is without notice or opportunity of hearing to the petitioner and thus in violation of the principles of natural justice required a response thereto. The statement to that effect has also been made at paragraph-18 of the writ petition.

The respondents have filed their counter affidavit pursuant to the direction but the defect is unexplained.

In the circumstances where the order of blacklisting has been passed without any notice or opportunity of hearing to the petitioner on this ground alone it cannot be upheld and is accordingly set aside. The writ petition is allowed.

The order, however, will not preclude the authorities to proceed afresh but in accordance with law.

(Jyoti Saran, J)

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