

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1170 of 2015

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M/s. Allied Engineering Works Pvt. Ltd. through its Managing Director Sri
Ashutosh Goel S/o Rajindra Persad Goel resident of M - 11 Badli Industrial Estate,
Police Station - Badli, Delhi - 110042

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Energy Department,
Government of Bihar, Patna
2. The Chairman - Cum - Managing Director, Bihar State Power (Holding)
Company Ltd. Patna
3. The Managing Director, North Bihar Power Distribution Company Ltd. Vidyut
Bhawan, Bailey Road, Patna
4. The Chief Engineer, Store and Purchase, North Bihar Power Distribution
Company Ltd., Patna
5. The Electrical Superintending Engineer (Purchase), NBPDCCL Patna

.... Respondents

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Appearance:

For the Petitioner : Mr. S.D.Sanjay, Sr. Advocate
Mr. Alok Kumar Agrawal & Anubhuti Modi, Advocates

For the Power Company: Mr. Anand Kumar Ojha, Advocate

For the State: Mr. Md. R. Haque, SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-09-2015

Heard Mr. Alok Kumar Agrawal, learned counsel for the
petitioner and Mr. Anand Kumar Ojha, learned counsel for the
respondent power company.

2. The present writ petition has been filed for quashing
letter No. 2352 dated 03.12.2014 issued by the Chief Engineer,
North Bihar Power Distribution Company Limited, Patna
(Respondent no. 4) by which the petitioner company has been
debarred from participating in future tenders for a period of one

year and against the direction that the petitioner forfeit its security and performance guarantee.

3. Learned counsel for the petitioner submits that the impugned order of debarment and the order of forfeiture of its security and performance guarantee have been passed without issuance of show cause notice and without grant of any opportunity of being heard in the matter. It is, therefore, submitted that such order cannot be sustained in law as it is in violation of fundamental principle of natural justice.

4. A counter affidavit has been filed on behalf of the respondent power company which however does not also controvert the stand of the petitioner with regard to non-issuance of show cause notice prior to passing of the impugned order, nor does the impugned order itself also disclose that any such show cause notice had been issued to the petitioner.

5. In that view of the matter and without entering into the merits of the case, the impugned order as contained in letter No. 2352 dated 03.12.2014 issued by the Chief Engineer, North Bihar Power Distribution Company Limited, Patna (Respondent no. 4) as contained in Annexure-8 of the writ petition is hereby set aside with liberty to the respondent power company to issue show cause to the petitioner, if so advised, before resorting to any

adverse action against the petitioner.

6. The writ petition accordingly stands allowed and I.A. No. 986 of 2015 stands disposed of.

(Vikash Jain, J)

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