

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4175 of 2015

- =====
1. M/s Dynamic Ex- Army Sentinels Private Limited through its Director Rajshekhar, office Room No. 7, 8, Siddiqui Plaza, Anisabad, P.S.- Gardanibagh, District- Patna.
 2. Raj Shekhar, Son of Late Lalan, Resident of Room No. 7, 8, Siddiqui Plaza, Anisabad, P.S.- Gardanibagh, District- Patna Director, M/s Dynamic Ex-Army Sentinels Private Limited).

.... Petitioners

Versus

1. The Managing Director, Bihar State Tourism Development Corporation Limited, Veer Chand Patel Path, Patna.
2. The General Manager, Bihar State Tourism Development Corporation Limited, Veerchand Patel Path, Patna.
3. The District Magistrate, Gaya

.... Respondents

=====

Appearance :

For the Petitioners : Ms. Nivedita Nirvikar,
Mr. Manish Dhari Singh, Advocates
For respondent nos.1 & 2 : Mr. P.K. Jaipuriyar,
Mr. Anshuman Jaipuriyar, Advocates
For the State : Mr. Anuj Kumar, A.C. to S.C. 7

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-04-2015

In view of the subsequent development taken place during the pendency of this writ application, relief as sought in the writ application cannot be granted to the petitioners except the liberty to the petitioners to invoke the clause of arbitration with

respect to the work order given to the petitioners as dispute with regard to the payment of amount is there.

The resort has already been taken over, the inventory has been prepared by the concerned Magistrate and it has been pointed out that TV, AC. etc. were already removed and for that purpose first information report has been lodged and the petitioners have also failed to deposit Rs.3,10,584/- which was directed vide order dated 19.03.2015 as the cheque has bounced. The statutory notice was also given to the petitioners.

However, learned counsel for the petitioners by way of last effort points out that from the impugned order dated 13.03.2015, as contained in Annexure 24, it appears that the petitioners have been blacklisted permanently which cannot be done in view of the law laid down by the Apex Court rendered in **M/s. Kulja Industries Limited V. Chief Gen. Manager, W.T. Proj, BSNL and others [AIR 2014 Supreme Court 9]**.

In above view of the matter, this Court would be inclined to direct the Managing Director, Bihar State Tourism Development Corporation Limited to reconsider the issue of blacklisting in terms of the aforesaid order passed by the Apex Court. Since dispute is with regard to the payment of dues as contained in Annexures 1 and 4, let both the parties approach the Arbitrator fixed under Clause 31

of the agreement and work order concerned for getting the dispute resolved. Let a fresh decision be taken within four weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

U			
---	--	--	--