

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17872 of 2016

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Engineering Projects (India) Ltd.(A Government of India Enterprises) having its Head Office at 43, Scope Complex, Lodi Road, New Delhi-110003 & Local Office at Flat No. 202, R.S. Kankarbagh, District- Patna-800020. through its Executive Director and Power of Attorney Holder Vijay Kant Pandey, Son of Late J.N. Pandey. Resident of Flat No. 202, R.S Villa, Behind Rajeshwar, Hospital, Kankarbagh, P.S.- Kankarbagh, District-Patna-800020.

.... Petitioner/s

Versus

1. The Bihar State Milk Co-operative Federation Dairy Development Complex, P.O.- Bihar Veterinary College, Patna- 800014 through its Managing Director.
2. The Managing Director, Bihar State Milk Co-operative Federation, Dairy Development Complex, P.O.- Bihar Veterinary College, Patna- 800014.
3. The General Manager, Bihar State Milk Co-operative Federation, Dairy Development Complex, P.O.- Bihar Veterinary College, Patna- 800014.
4. The Managing Director, Shahabad Dugdh Utpadak Sahkari Sangh Limited, Katira, Arrah- 802301.
5. The Managing Director, Waishal Patliputra Dugdh Utpadak Sahkari Sangh Limited, Patna Dairy Project, Phulwarisharif, Patna- 801505.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. P.K. Shahi, Senior Advocate
Mr. Vikas Kumar

For the Respondents : Mr. Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

2 27-10-2016 Heard learned counsel for the petitioner and learned counsel for the Bihar State Co-operative Milk Producers Federation Ltd.

A preliminary objection with regard to the maintainability of the writ petition is raised by learned counsel for the Bihar State Co-operative Milk Producers Federation Ltd.



Learned counsel for the petitioner, however, submits that on the one hand the objection is being taken that the respondent is not a State under Article 12 of the Constitution and, therefore, the writ petition against it is not maintainable, whereas on the other hand, the order of debarment from participating in the future tenders passed by COMFED is being used by the other government departmental and public undertakings treating the petitioner as debarred from participating in the future contracts.

It is made clear that any such action of any Public Sector Undertaking or Public Organization is wholly contrary to law as any order of a public body, which may or may not be a State, under Article 12 of the Constitution, can not be relied upon by other government departmental or Public Organizations or Public Undertakings for treating the petitioner as debarred.

As a matter of fact, this Court in the case of HCL Infosystems Limited vs. The Bihar State Electricity Board and others: 2013 (2) PLJR 753 has held that any action of a public body like the Electricity Board in the matter of blacklisting, even if permissible in a rare case, must remain confined to itself and cannot be used by other public authorities and bodies to disqualify a party.

That being the position of law with regard to blacklisting



or debarment even by public undertakings, there can be no question of any debarment by a Co-operative Society like COMFED being taken cognizance of by any other public sector or public organization for treating the petitioner as debarred.

The writ application is, accordingly, disposed of as not maintainable but with the aforesaid observations.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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