

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 893 of 2016

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Vayam Technologies Limited (A Company Incorporated Under The Companies Act, 1956) having its registered office at Thapar House, 124, Janpath New Delhi – 110 001 through its Vice President – Head S I Delivery Mr Ashesh Ranjan, son of late Sri M K Sinha

.... Appellant/s

Versus

- 1 Bihar State Electronics Development Corporation Ltd through its Managing Director Beltron Bhawan, Shastri Nagar Patna – 800 023, Bihar
- 2 State of Bihar through Principal Secretary Home Main Secretariat, Patna – 800 015
- 3 Director General of Police Bihar, Main Secretariat Patna – 800 015
- 4 Director General National Crime Records Bureau East Block – VII, R K Puram, New Delhi – 110 066
- 5 Union of India through Secretary, Ministry of Home Affairs, Government of India, North Block New Delhi
- 6 M/s ITI Limited (A Govt of India Undertaking having its registered office at Bangalore) through the Chief Manager (IT) ITI Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow – 226 010 (UP)

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr Abhinav Srivastava, Advocate
For Respondent No 1	:	Mr Girijesh Kumar, Advocate
For Union of India	:	Mr Rajesh Kumar Verma (CGC)
For the S t a t e	:	Mr Ashok Kr Verma, AC to SC 17

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CORAM: HON’BLE MR. JUSTICE I A ANSARI
&
HON’BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 04-05-2016

Heard the parties and with their consent, this Letters Patent

Appeal is being disposed of at this stage itself.

The present Letters Patent Appeal is directed against the judgment and order dated 28.03.2016 passed by learned Single Judge of this Court whereby the writ petition (*CWJC No 13530 of 2014*) was dismissed solely on the ground that the writ petitioner has no privity of contract with the Bihar State Electronics Development Corporation Limited (for brevity, *the Corporation*) and, as such, could not make any such prayer with regard to the conduct of the said Corporation.

Let it be noted that the learned Single Judge has not gone on the merits of the matter. In appeal, as before the learned Single Judge, on behalf of the writ petitioner-appellant, it has been submitted that the writ petitioner-appellant was in consort with M/s ITI Limited and the agreement as between the Corporation and ITI Limited was signed as such. Reference is made to Annexure 12 to the writ petition which is an agreement drawn up by the Corporation. That agreement itself shows that the other party to the agreement is M/s ITI Limited (in consortium with M/s Vayam Technologies Limited).

Thus, on the face of it, the writ petitioner-appellant is not someone who is foreign to the agreement but is a part and parcel of the agreement to the knowledge of the Corporation.

In view of the aforesaid fact, which is not disputed by either party, we have no option but to allow this appeal, set aside the order of the learned Single Judge and remand the matter to the learned

Single Judge to decide on the merits of the case.

(I. A. Ansari, ACJ)

(Navaniti Prasad Singh, J)

M.E.H./-

AFR/NAFR	NAFR
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