

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16890 of 2015

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Shanti Construction Fabrication Pvt. Ltd. through its Managing Director
Dipak Kumar Sharma, son of Sri Kaushal Kishore Sharma, resident of
House No. 45, Anadpuri, West Boring Canal Road, P.S.- S.K. Puri, District-
Patna.

.... Petitioner

Versus

1. The Bihar State Warehousing Corporation Patna through its Managing Director.
2. The Managing Director, Bihar State Warehousing Corporation, 1st Floor, B- Block, Maurya Lok Patna.
3. Chairman, Bihar State Warehousing Corporation, 1st Floor, B- Block, Maurya Lok Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Respondent/s : Mr. Mithilesh Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 27-10-2016 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner is aggrieved by the order dated 16.7.2013
passed by respondent No.2, the Managing Director, Bihar State
Warehousing Corporation by which the petitioner has been
blacklisted.

Apart from the various factual issues the basic points
raised by learned counsel for the petitioner are that the blacklisting
order has been passed without issuance of any show cause notice
of blacklisting and no period is prescribed in the blacklisting order
whereas blacklisting cannot operate for an indefinite period of
time.

Learned counsel for the respondent Corporation is
unable to show that any show cause notice of blacklisting has been
issued, except a letter dated 24.10.2013 of the Corporation in



which the petitioner was asked to explain regarding anomalies found in the Bank Guarantee.

It is evident that the impugned order of blacklisting the petitioner was passed without any show cause notice of blacklisting and, that too, for an indefinite period of time.

This Court has repeatedly held that blacklisting cannot operate normally for an indefinite period of time and the period of blacklisting must be fixed in the order and if in exceptional circumstances it is required to blacklist permanently for an indefinite period, then the order must show justification for such type of blacklisting. In this case no such justification is possible.

Thus, for the aforesaid reasons, the writ application is allowed and the impugned order dated 16.7.2013 is quashed. The respondents shall, however, have liberty to proceed afresh in accordance with law in case they are of the view that the action of the petitioner justifies a blacklisting beyond the period of three years for which the petitioner has already stood blacklisted.

(Ramesh Kumar Datta, J)

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