

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4439 of 2014

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M/S MECON LIMITED, A COMPANY INCORPORATED UNDER THE PROVISIONS OF COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE AT DORANDA, P.S. DORANDA, RANCHI - 834002 AND ONE OF ITS OFFICES AT 50, CHOWRINGHEE ROAD, P.S. PARK STREET, DISTT. KOLKATA THROUGH ITS AUTHORIZED SIGNATORY CUM ASSISTANT GENERAL MANAGER (KOLKATA), SWAPAN MONDAL SON OF LATE NIRANJAN MONDAL RESIDENT OF 67 - A, RAMKRISHNA NAGAR, P.S. HARIDDEVPUR, KOLKATA - 700063

.... PETITIONER

VERSUS

1. THE BIHAR STATE POWER (HOLDING) COMPANY LTD., THE ERSTWHILE BIHAR STATE ELECTRICITY BOARD VIDHYUT BHAWAN, BEILEY ROAD, PATNA THROUGH ITS CHAIRMAN CUM MANAGING DIRECTOR.
2. THE CHAIRMAN CUM MANAGING DIRECTOR, BIHAR STATE POWER (HOLDING)CO. LTD., VIDHYUT BHAWAN, BAILEY ROAD, PATNA
3. THE NORTH BIHAR POWER DISTRIBUTION COMPANY LIMITED, HAVING ITS OFFICE AT VIDHYUT BHAWAN, BEILEY ROAD, PATNA THROUGH ITS MANAGING DIRECTOR.
4. THE CHIEF ENGINEER, R-APDRP, NORTH BIHAR POWER DISTRIBUTION COMPANY LIMITED, VIDHYUT BHAWAN, BAILEY ROAD, PATNA.
5. THE UNION OF INDIA, MINISTRY OF POWER, THROUGH THE SECRETARY, GOVERNMENT OF INDIA, SHASTRI BHAWAN, NEW DELHI.

.... RESPONDENTS

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Appearance :

For the Petitioner	:	Mr. S.D.SANJAY, SR. ADVOCATE
		Mr. ALOK KUMAR AGRAWAL, ADVOCATE
For the Power Comp.		Mr. ANAND KUMAR OJHA, ADVOCATE
For the UOI		Mr. A.B.MATHUR, CGC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-01-2016

Heard learned Senior Counsel for the petitioner and
learned counsel appearing for the Respondent Power Company.

2. The present writ petition has been confined to the

challenge of the order of debarment of the petitioner dated 29.01.2014 (Annexure-22), as observed in the order of this Court dated 04.03.2014.

3. Learned Senior Counsel for the petitioner, Mr. S.D. Sanjay, raises a short issue with regard to the impugned order dated 29.01.2014, questioning the legality of the above in the absence of any prior show case notice. He therefore, submits that the impugned order is illegal and unsustainable as being in violation of the principles of natural justice.

4. Learned counsel for the Respondent Power Company has filed a counter affidavit, but however, is unable to show that any prior show cause notice had been issued to the petitioner prior to passing of the impugned order of debarment.

5. In the above view of the matter, the impugned order dated 29.01.2014 is set aside as being in violation of natural justice and the writ petition stands allowed to the above extent.

6. Needless to say, the present order shall not stand in the way of the Respondent Power Company if it intends to proceed against the petitioner for debarment afresh in accordance with law.

(Vikash Jain, J)

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