

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13530 of 2014

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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 - 110001, through its Vice President - Head S.I. Delivery Sri Ashesh Ranjan son of Late Sri M.K. Sinha, Resident of Rajauri Apartment, Rajauri Garden, P.S. Mayapuri, New Delhi.

.... Petitioner

Versus

1. Bihar State Electronics Development Corporation Ltd. through its Managing Director, Beltron Bhawan, Shastri Nagar Patna - 800023, Bihar
2. State of Bihar through Principal Secretary (Home), Main Secretariat, Patna-800015
3. Director General of Police, Bihar, Main Secretariat, Patna - 800015
4. Director General National Crime Records Bureau East Block - VII, R.K. Puram, New Delhi - 110066
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 - 226010 (U.P)

.... Respondents

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Appearance:

For the Petitioner : Mr. Tuhin Shankar, Advocate

For the Respondents : Mr. ARBIND KUMAR NO. II, SC17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28.03.2016

Heard learned counsel for the petitioner and learned counsel for the Respondents.

2. The present writ petition has been filed for quashing the order of Respondent No. 1 in Memo No. 4229/14 dated 18.07.2014, terminating the Contract dated 17.10.2012 with respect to CCTNS Project entered into between Respondent No. 1 on the one hand, Respondent No. 6 in consortium with the petitioner herein on the other, and for connected reliefs.

3. At the very outset this Court takes note that the contract dated 17.10.2012, validity of the termination of which is in question in the present writ petition, has been entered into between the Respondent No. 1 and Respondent No. 6. The petitioner Company admittedly entered into a memorandum of understanding with the Respondent No. 6 forming a consortium for purposes of making a joint bid pursuant to the request for proposal floated by the Respondent No. 1 for execution and implementation of Crime and Crime Tracking Network System in the State of Bihar. It is also admitted that the petitioner is not a signatory to the aforesaid contract dated 17.10.2012 and has thus no privity of contract with the Respondent No. 1 as such.

4. This Court is therefore of the view that the petitioner Company cannot claim a cause of action against the Respondent No. 1 in order to maintain the present writ petition independently, inasmuch as any right it may claim can only flow from the memorandum of understanding it has entered into with the Respondent No. 6 to which Respondent No. 1 is not a party.

5. The writ petition at the instance of the petitioner is therefore not maintainable and is dismissed as such.

(Vikash Jain, J)

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